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The VINCENNES DONATION LANDS



By LEONARD LUX, O. S. B.


Indianapolis
INDIANA HISTORICAL SOCIETY
1949

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FOREWORD

THOUSANDS of acres of public land in the neighborhood of Vincennes, Indiana, were given away by Congress during the early years of American Independence. The lands thus granted by the government became known as "donation lands." Historians have been aware that such donations were made, but such questions as to why the land was given away, who were the benefactors of the donations, and how much land was granted have never been made the subject of a critical discussion. Moreover, the effect that these gifts of land had upon the economic life of the community forms an interesting sidelight to the history of the frontier. And in connection with the frontier, a study of the influence, if any, which the donations had upon land settlement in southern Indiana will be valuable, as will also be knowledge of the effect of the donations upon American pioneers coming afterward into the lower Wabash district.

Still more questions develop from even a cursory study of maps of Knox County, Indiana. Outlines of the "donation lands" may be seen on maps of the most recent printing. On older county maps, of course, they appear more clearly defined. Always they are unmistakably set apart from the regularly surveyed government lands of the county by the odd shapes and sizes the divisions assume as they lie scattered throughout Knox and neighboring counties. Why are these lands so out of proportion to the other land grants in the United States? What are the reasons for their strange, irregular shapes and sizes? Furthermore, what are the meanings of the puzzlingly abbreviated designations of various types of grants found on older maps of the region?

The answers to these and similar questions form the subject matter of this dissertation. It is the purpose of this paper to explain why the donations were made, to indicate the manner in which they were made, and (this will explain why the claims were so long without confirmation) to point out the class of people they benefited, to show the effects of the land grants

upon the economic and social life of the community, and to explain how the donations have come down, even to the present day, in the legal terminology of the town and surrounding country. Moreover, the donations themselves, the manner of settlement, and the lists of donees have their own story of political, economic, and social changes taking place in the community.

It is not, however, within the scope of this paper to trace individual claims from the original claimant to the present owner or even to identify or locate each grant entered upon the lists of confirmees. As an aid to further inquiry along such lines, the various documents in which the names of those who received donations may be found, together with other pertinent data, will be indicated. Furthermore, this paper does not claim to explain or to solve all the economic effects of the donations upon the community in later years, but only to point out some of the more immediate results and the economic changes they indicate. More specifically, this study does not enter into a discussion of reasons why the French did not profit from the donations as much as some of their Anglo-American neighbors.

Whenever possible original sources have been used in studying the donation laws and reports. Words of appreciation are due to Father Thomas T. McAvoy, head of the department of history of the University of Notre Dame, who not only proposed this study, but also encouraged the author by timely suggestions and help; to Mrs. Marguerite Anderson, former head of the Indiana Division of the Indiana State Library, who made available all the material in her keeping; to the Very Reverend Paul A. Deery, rector of the Old Cathedral at Vincennes, for affording access to pertinent manuscripts in the Old Cathedral Library; and to Mrs. Leo Schultheis, of Vincennes, who, besides permitting access to the Vigo Papers, made many valuable suggestions. The author is, likewise, indebted to members of the staff of the Knox County Courthouse, and to Mr. Mack Reed, former clerk of the Land Office, Indiana State Auditor's Office, for their generous assistance.

L. L.

MARMION MILITARY ACADEMY
AURORA, ILLINOIS

CONTENTS

I.	THE REQUEST FOR A DONATION OF LAND.....	427
II.	THE REQUEST GRANTED.....	443
III.	THE FINAL SETTLEMENTS.....	464
	APPENDIX	485
	INDEX	491

POCKET MAP

THE VINCENNES DONATION TRACT IN THE STATES OF
INDIANA AND ILLINOIS

I. THE REQUEST FOR A DONATION OF LAND

ON JULY 26, 1787, thirteen days after the passage of the Northwest Ordinance, the French inhabitants of Vincennes on the Wabash sent to Congress a request for a donation of land to each male inhabitant of the post.¹ Many of these Frenchmen had dwelt at Vincennes long before the mother country lost that territory to Great Britain in 1763. During all the years of the French occupation, their superiors, the commandants, would, no doubt, have given them freely of the thousands of acres of rich lands claimed by the French king in the vicinity of the village. However, it was only after the conquest by the United States and after American immigrants began to intrude in increasing numbers that these older villagers became interested in the possession of more extensive holdings of land. An examination of their history and a careful weighing of the words of their petition reveal the fact that great economic and social changes had taken place in this little river community and that the request of 1787 and its supporting arguments and explanations, to a considerable extent, epitomize the early history of the post.

Early in the eighteenth century the French founded Fort Ouiatenon, near the present Lafayette, Indiana, Fort Miami, at the present Fort Wayne, and Post Vincennes as links in a chain of forts and fur-trading bases set up to protect their interests in the great expanse of territory stretching from Canada to Louisiana. The site of Post Vincennes was probably chosen because it was the site of a village of friendly Piankashaw Indians, and because, being on fairly high ground, it offered protection from the frequent floods of the Wabash. Especially important also was the consideration of the situation of the place at an important junction. The old Buffalo Trace from present-day Louisville, Kentucky, forded the Wabash at Vincennes. This wide trail, beaten down by thousands of

¹ The petition is printed in Clarence E. Carter (ed.), *The Territorial Papers of the United States* (volumes 1-, Washington, D. C., 1934-), II, 58-60.

buffalo hoofs, made an excellent road for the Indian and white trapper.² A fur-trading post at the place where it crossed the Wabash River would absorb the Indian fur traffic coming over the trace as well as much of the trade going up and down that river. For the defense of the country against the westward movement of the British the spot was also ideally chosen. Near the confluence of three rivers, forces could be dispatched from the fort in almost any direction by water to intercept any hostile expedition, and an army could be sent east or west by land on one of the best trails in the Northwest.

In short, as the inhabitants of Vincennes wrote in September, 1772, pointing out the important location of the fort and begging General Gage, commander-in-chief of the British forces in North America, not to force them to move from their homes: "of all places this is the most necessary, . . . being the center between Detroit, Fort Pitt, and the Illinois country, the thoroughfare of the nations, and the security of the Beautiful River and the Mississippi."³

Although founded principally as a fur-trading center and fort, agricultural pursuits and the possession of land were not entirely ignored by the inhabitants of old Post Vincennes. However, they did not hold the same importance in the community that they did in the English colonies. The French were content with the gift of land for the common use of the community which the Indians made in the early days of the settlement. Probably neither party expected that large portions of this land would ever be possessed individually. The traditional date of the Indian grant is said to have been 1742. The boundaries were always very vague, but generally were conceded to extend about forty miles along the Wabash River and to measure about seventy-two miles across. There can be no doubt that such a cession of land was actually made by the

² See George R. Wilson, *Early Indiana Trails and Surveys* (Indiana Historical Society Publications, VI, No. 3, Indianapolis, 1910), p. 370; George R. Wilson and Gayle Thornbrough, *The Buffalo Trace* (Indiana Historical Society Publications, XV, No. 2, Indianapolis, 1946).

³ Quoted in Florence G. Watts, "Some Vincennes Documents of 1772," in *Indiana Magazine of History*, XXXIV (1938), 211.

Indians even though no written deed of the grant or charter has ever been found.⁴ Thus, in 1775, the Piankashaw Indians in selling a large tract of land on the Wabash to Louis Viviat, agent for the Wabash Land Company, recalled the ancient grant to the French by expressly excepting from sale the hereinafter described land: “. . . the intermediate space of twenty-four leagues . . . being reserved for the use of the inhabitants of Post St. Vincent . . ., between Point Coupee and the mouth of White river . . ., with the same width or breadth on both sides of the Ouabache river, as is hereby granted in the . . . several tracts of land above bounded and described.”⁵

Besides this recognition of the grant by the very tribe which originally made the donation, numerous memorials and letters testify to the grant. In 1793, for example, in a petition to President Washington, Pierre Gamelin and fifteen other inhabitants of the village referred to the grant thus: “The last year in councils, the first which have been held between the United States and these Indians, they unanimously spoke of the donation in these terms: ‘Americans. . . . Our fathers gave to the French and their heirs all the lands from *la pointe coupée* and the river Blanche, on both sides of the Wabash river. . . . these lands are theirs. . . .’”⁶

Father Jean François Rivet, pastor at Vincennes from 1795 to 1804, wrote to Bishop John Carroll of Baltimore, on October

⁴ “The grant of land is said to have been made to Monsieur De Vincennes . . . for the use of the French settlers, and although the instrument of conveyance (if there ever was one in writing) is lost, the fact is ascertained . . . by the testimony of all the old French inhabitants.” Territorial Governor William Henry Harrison to the Secretary of War, February 26, 1802, in Logan Esarey (ed.), *Messages and Letters of William Henry Harrison* (2 volumes. *Indiana Historical Collections*, volumes 7 and 9, Indianapolis, 1922), I, 41.

⁵ John B. Dillon, *A History of Indiana* . . . (Indianapolis, 1859), p. 107. In 1780 the Illinois Land Company and the Wabash Land Company were united under the name of the United Illinois and Wabash Land Companies. The agents of the company applied to Congress for a confirmation of part of their claim in 1781, 1791, 1797, 1804, and 1810, but all these applications were rejected. *Ibid.*, p. 109n.

⁶ *American State Papers. Public Lands* (8 volumes. Washington, D. C., 1834-61), I, 32.

26, 1796, to the effect that the "contract is still alive in their mouths," referring to a "pretty considerable extent of land on both sides of the Wabash" given by the Indians to the French.⁷ Another example of recognition of the Indian grant was made in the Treaty of Greenville. In this important treaty of 1795 the United States and the Indians agreed to except or withdraw from the lands recognized as belonging to themselves "the post of St. Vincennes, on the river Wabash and the lands adjacent, of which the Indian title has been extinguished."⁸ In the early days of the post the Indians had, therefore, given the French a large tract of land for their use.

The land thus granted by the friendly Piankashaw Indians either to the French king or to the inhabitants of the post was, throughout the early history of the settlement, administered by the commandants at their discretion. Between 1749 and 1763 twenty persons received land from Commandant Louis St. Ange de Bellerive, and one claimed he had received a grant from François Margane Bissot, Sieur de Vincennes, the founder of the post. At least forty-three other persons had received grants of land from the commandants by 1772,⁹ but because they were given verbally or records of the deeds were lost, the dates of these cessions are unknown. These figures do not indicate how large a proportion of the villagers was engaged in farming. A study of the method and numbers of acres under cultivation, however, tends to support the theory that over half the residents of the village tilled some land, but that this was not their only occupation.

In the early days of Post Vincennes there were two groups of Frenchmen, the *coureur de bois*, the rangers of the forest or fur traders, and the *habitants* who dwelt in the village. The latter adopted a manner of settlement that partly resembled the manorial system of seventeenth-century France as modified by the system prevalent in Canada. In the mother country the

⁷ Rivet to Carroll, October 26, 1796, in Old Cathedral Library, Vincennes.

⁸ Charles J. Kappler (ed.), *Indian Affairs. Laws and Treaties* (2 volumes. Washington, D. C., 1904), II, 41.

⁹ Jacob Piatt Dunn (ed.), *Documents Relating to the French Settlements on the Wabash* (Indiana Historical Society Publications, II, No. 11, Indianapolis, 1894), pp. 125-29.

people were centralized in villages somewhat away from the fields they cultivated, but when colonists came to New France they adopted a mode of settlement that had its own advantages. The Canadian system has been described as follows: "The first attempt made in Canada to lay out farms (1632) consisted in having them in a row facing the river and distant from one another about four arpents. Each lot of land measured forty arpents deep, making one hundred and sixty square arpents for a farm. . . . The advantage of such an arrangement is to bring the house a few steps from the river; to permit easy access to the public road situate between the house and the river; to keep social intercourse as close as possible by the vicinity of neighbors engaged in the same occupation."¹⁰

At Post Vincennes the *habitants* adopted the same manner of laying out farms, marking off narrow strips of land running back from the Wabash River. Some of these farms at Vincennes were four arpents wide by forty deep, but the majority were only two arpents in width. Contrary to the custom in Canada, however, and more in accordance with the manner of France, the people of Vincennes lived in the village and went out to the fields each day to till their land. A report on land holding at Vincennes in 1790, when the United States government was confirming the French in their possessions, substantiates this statement. At that time no houses were noted as being in any of the three "prairies" in which the French farms were situated. On the contrary, all the persons who had farms also owned lots in the town and in some cases it is expressly stated that their houses were on their town lots.¹¹

The farms that the French went out to till each day were, for the most part, in the three prairies near Vincennes, though some cultivated lands across the Wabash on what was referred to as the north side of the Wabash. The "Upper Prairie" was above

¹⁰ Benjamin Sulte, "Origin of the French Canadians," in *Transactions of the Royal Society of Canada*, XI(1905-6), 110-11. A French arpent is generally regarded as comprising four-fifths of an English acre. By actual survey an eighty-arpent farm was equivalent to 68.10 English acres when surveyed by United States surveyors.

¹¹ A.S.P. *Public Lands*, I, 9-16, and *post*, pp. 450-51.

the town bordering on the Wabash, the "Lower Prairie" below the town stretching about six miles along that river, and the "Cathlinette Prairie" east of the southern part of the "Lower Prairie." Apparently the older inhabitants called this latter prairie the "Cathlinette" from a bush that grew in the vicinity. The word is still used in referring to that section of land below Vincennes, but the name has been corrupted, like so many other French names of the region, to "Catinette." As has been said, the ordinary farm in one of these prairies was two arpents wide by forty deep, and, except in the Cathlinette Prairie, generally fronted on the Wabash. These farms were not fenced, but the large commons south of the village, in which the cattle of all the inhabitants were kept, was enclosed by a pale, and each resident was expected to keep up his section of the fence which enclosed over 5,000 acres of land.

Although there were many acres of rich land in the neighborhood of Vincennes, no attempt apparently was made by the French *habitants* to increase their holdings and acquire large tracts. In this way the economic establishment of the French community at Vincennes was sharply distinguished from that of the English tidewater settlements. In the latter, land was the basis of the life of the English colonists, but at Vincennes fur trading was the principal occupation and even the *habitants* in some way or other benefited from it, and made use of agriculture only as means of sustenance. Thus in 1787, when political and economic changes in the community called for an increased interest in land, the inhabitants of the town, in petitioning the United States government for a grant, explained what manner of occupation the community had engaged in before the coming of the Americans: "Your petitioners beg leave to observe," they wrote, "that, previous to their being subjects of the United States, being chiefly addicted to the Indian trade, they, in a great measure, overlooked the advantages that can be derived from the cultivation of lands, and consequently neglected to avail themselves of the willingness of their Sovereigns and Governors to grant them tracts sufficient for plantations. Contented to raise bread for our families, we neither

extended our culture for the purpose of exportation, nor formed an idea of dividing among ourselves our fruitful country.”¹²

The impression received from memorials of the inhabitants and from the letters of those who lived in or passed through the town in the early days is of a happy, comfortable settlement. In 1765 George Croghan, the Crown's deputy superintendent of Indian affairs, spoke of Post Vincennes as “. . . one of the finest situations that can be found. The country is level and clear and the soil very rich, producing wheat and tobacco. . . . A place of great consequence for trade, being a fine hunting country all along the Ouabache, and too far for the Indians, which reside hereabouts, to go either to the Illinois, or elsewhere, to fetch their necessities.”¹³

Thomas Hutchins, British military engineer and later official geographer by appointment of Congress, who was at Vincennes frequently during the British occupation between 1764 and 1778, estimated the value of its fur trade at £5,000 annually.¹⁴ At a later date Father Rivet, in a letter of October 26, 1796, to Bishop Carroll, described the condition of his parishioners as having been “formerly so flourishing.”¹⁵ C. F. Volney's account of his Vincennes visit in 1796 states this explicitly: “Between that period [1788] and the peace of 1763, when England obtained Canada, and Spain Louisiana, they enjoyed tranquillity and happiness. . . . Unmolested and sequestered in the heart of the wilderness, fifty leagues from the nearest post on the Mississippi, without taxes, and in friendship with the Indians, they passed their lives in hunting, fishing, trading in furs, and raising a few esculents and a little corn for their families.”¹⁶

¹² Carter (ed.), *Territorial Papers*, II, 58.

¹³ “A Selection of George Croghan's Letters and Journals Relating to Tours into the Western Country—November 16, 1750—November, 1765,” in Reuben Gold Thwaites (ed.), *Early Western Travels* . . . (32 volumes. Cleveland, 1904-7), I, 142-43.

¹⁴ Thomas Hutchins, *A Topographical Description of Virginia, Pennsylvania, Maryland, and North Carolina* . . ., edited by Frederick Charles Hicks (Cleveland, 1904), p. 100.

¹⁵ Rivet to Carroll, October 26, 1796, in Old Cathedral Library, Vincennes.

¹⁶ Constantin F. Volney, *A View of the Soil and Climate of the United States of America* . . . (Philadelphia, 1804), pp. 333-34.

The name of Louis St. Ange de Bellerive is synonymous with the early, happy period in the history of Vincennes. He succeeded Sieur de Vincennes as commandant on the latter's death at the hands of the Chickasaws in 1736, and held that office until 1764 when he was called to Fort Chartres. He gave nearly thirty years of peace and good government to the wilderness outpost on the Wabash. His administration of the town was in sharp contrast with that of the next thirty years in which representatives of Great Britain, Virginia, and the United States succeeded one another in the government of the post.

It was St. Ange who granted most of the small, narrow tracts of land in the prairies and the lots in town to the inhabitants. One flaw in his administration of the post, from the point of view of English legal standards, was his loose or inefficient manner of giving titles to the land that he granted. Concessions were generally noted on small scraps of paper which were sometimes lodged in a notary's office and often as not given to the individual. Other grants were made verbally, apparently without any written record of the transaction being made. In 1773 St. Ange came to the assistance of the French at Vincennes whose titles to the lands were being questioned by the British. After giving a statement of his official position at Vincennes, the aged commandant remarked: "I have conceded to many inhabitants divers lands and pieces of ground by order of my . . . Srs. the Governors, in the name of His Most Christian Majesty: . . . in addition to this I have verbally permitted a number of individuals to establish themselves and cultivate the lands of which they have been in possession for many years."¹⁷

Of the written concessions, one, taken from the Recorder's Office, Knox County, Indiana, may be cited as an example: "We, Captain Commandant, of Post Vincennes certify having conceded to one named Pierre Codere a piece of ground twenty-five toises in width and twenty-four toises in depth going to the Glassis [glacis] of the fort bearing on one side to Sieur Michel Dizi and on the other to the street that goes to the glassis and the

¹⁷ Quoted in Dunn (ed.), *Documents Relating to the French Settlements*, p. 430.

other face to the grand street which goes to the prairie, Done and given at Post Vincennes this 2nd, May, 1751. ST. ANGE”¹⁸

Such haphazard record keeping is probably only one more indication of the secondary importance that land played in the life of the early days of the Wabash post.

The departure of St. Ange in 1764 marks the end of the first period of Post Vincennes, the happiest time of the post, or its “Golden Age” from the French point of view. At the end of St. Ange’s long rule Vincennes boasted a population of three or four hundred persons. Thomas Hutchins placed the number of families at sixty, and in 1765 George Croghan estimated the families at between eighty and ninety.¹⁹ A report to the British commander-in-chief, General Gage, in 1767 on the state of the settlements on the Wabash listed 232 inhabitants and 168 strangers, making 400 in all, while a census taken in 1769 showed 66 heads of families living in Vincennes.²⁰ Despite the unstable government during the following years, the number of inhabitants increased and Henry Hamilton, British lieutenant governor stationed at Detroit, in a report of proceedings from November, 1776, to June, 1781, was able to state that on taking an account of the inhabitants of the place in 1778 he found the number to be 621.²¹

During the British regime at Vincennes, from 1763 to 1778, competent government did not keep pace with the increase of population. The settlement was unimportant in British colonial policy and it was not until 1777 that Governor Hamilton sent Lieutenant Governor Edward Abbott to rebuild the stockade

¹⁸ Deed Record D, Knox County, Indiana, p. 271. A French *toise* is equivalent to 6 feet 4 1/2 inches.

¹⁹ Logan Esarey, *A History of Indiana from Its Earliest Exploration to 1850* (2 volumes. 3d ed. Fort Wayne, 1924), I, 41; “George Croghan’s Letters,” in Hutchins, *Topographical Description*, edited by Hicks, p. 100; Thwaites (ed.), *Early Western Travels*, I, 141.

²⁰ Clarence W. Alvord and Clarence E. Carter, *The New Régime 1765-1767* (Illinois State Historical Library Collections, XI, Springfield, 1916), 469; Dunn (ed.), *Documents Relating to the French Settlements*, p. 439.

²¹ Henry Hamilton, July 6, 1781, report, transcript of original document in British Museum in Indiana Historical Society Library, p. 68; see also *Michigan Pioneer and Historical Collections*, IX(1886), 495.

at Vincennes.²² In the meantime, in the absence of any British authority, Jean Baptiste Racine, alias Ste. Marie, acted as commandant and maintained a semblance of order.

During this time no abrupt change was brought into the lives of the French inhabitants, though there was a flurry among them upon the issuance of a proclamation by General Gage in 1772 which stated that whereas, contrary to the proclamation of 1763, persons were settling west of the mountains particularly along the Wabash, which was occasioning "considerable injury to the affairs of the king, as well as to those of the Indians," all those who had "established themselves on the lands upon the Ouabache, whether at St. Vincent or elsewhere [were] to quit those countries instantly and without delay, and to retire . . . into some one of the colonies of his majesty. . . ."²³

The French replied by declaring that their lands were held by "sacred titles," that their settlement was of seventy years standing, and that their land had been granted by His Most Christian Majesty the King of France. Whereupon General Gage demanded a list of all the inhabitants of Vincennes and its neighborhood and the basis of their individual claims to land.²⁴ Probably this order was never followed up, and the extension of the Quebec Act of 1774 to the settlements northwest of the Ohio, which restored old French law, calmed the situation temporarily.

Four years later, in 1778, George Rogers Clark made his conquest of the Old Northwest. It was with the arrival of Clark and his American army that political upheaval and economic ruin came to the French. When the American and British armies and their Indian allies clashed for control of the Old Northwest, the French village at Vincennes was like a small neutral country that is made the battleground of two warring nations. The inhabitants underwent all the hardships of a devastating war without interest in the outcome of the

²² *Ibid.*, p. 434; Jacob Piatt Dunn, *Indiana a Redemption from Slavery* (Boston and New York, 1905), p. 81; Esarey, *History of Indiana*, I, 51.

²³ Quoted in Dillon, *History of Indiana*, pp. 86-87.

²⁴ *Ibid.*, pp. 87-88.

conflict. They were never able to recover from the material losses which they sustained during the war, from the decline of their valuable fur trade, and from the introduction of a new form of government and the American way of life.

Clark made his conquest in the name of the Commonwealth of Virginia, which claimed the region, but the young state was unable to establish a strong control over the remote settlements on the Wabash and the Illinois. In 1781 she offered to cede her western lands to the General Government, and in 1783 this conveyance was made.²⁵ But the Confederation, too, was slow in assuming its responsibility to its western citizens. Financial depression and lawlessness settled on the town.

Father Rivet has probably provided us with a fairly accurate if slightly exaggerated word picture of the situation of the inhabitants after 1780, when he wrote the following explanation of the decayed state of the village that had formerly been so flourishing: "I do not see any other cause for it than in the evils of every kind which they had to suffer from the American government, and especially from the Indian war. It is certain that the state has cruelly mistreated them, that the country has been given to pillage . . . that they have made advances amounting to enormous sums, and immense works, and that nothing has been paid them, that the subsequent fall of bank notes completed the total ruin of the country. . . . The lay clerk of the Church lost 25838 piastres, and so it is with others. They have often been promised indemnification, and nothing has come of it."²⁶

In a report made to President Washington at the time he examined the land claims in 1790, Winthrop Sargent, secretary of the Northwest Territory from 1787 to 1797, touched upon the same subject: ". . . there are . . . considerable claims for supplies furnished the troops of Virginia before and since

²⁵ The act of conveyance contained the following clause: "That the French and Canadian Inhabitants and other Settlers of the Kaskaskies St Vincents and the neighbouring Villages who have professed themselves Citizens of Virginia shall have their possessions and titles confirmed to them and be protected in the enjoyment of their rights and liberties." Carter (ed.), *Territorial Papers*, II, 8.

²⁶ Rivet to Carroll, October 26, 1796, in Old Cathedral Library.

1783, which no person yet has been authorized to attend to, and which is very injurious to the interests and feelings of men who seem to have been exposed to a variety of distresses and impositions by characters pretending to have acted under the orders of that Government.”²⁷

But more important than any of these factors, was the injury sustained by the sharp decline of the Indian trade. When the Americans came, the Indians began to leave. The trade with Canada declined to almost nothing, and that with New Orleans practically ceased. The Indians resorted more and more to Detroit, where they were better treated by the British. The source of the prosperity of the settlement under the old regime was cut off.

Finally the great influx of American settlers following close upon the conquest was bound to change fundamentally the old French economy. Clark's men had seen the land around Vincennes and liked it. Many of them returned and brought friends and relatives with them. Whereas in 1778 there were 621 residents in all in the neighborhood, by 1787, according to General Josiah Harmar, this number had increased to 900 French and 400 Americans.²⁸ By 1800 Vincennes had a population of 714, and there were 819 persons in the neighborhood of the town, making the total population of the settlement 1,533.²⁹ The names of many of the American immigrants to Vincennes during the first years following the Revolution were included in a list of the Vincennes militia for the year 1790, published in 1859 in the Vincennes *Western Sun*. The names of these American militiamen are given here because they show clearly that many Americans had settled at Vincennes by 1790, because they indicate the years of heaviest immigration

²⁷ A.S.P. *Public Lands*, I, 11. The really desperate situation into which the Post was thrown is attested to in St. Clair's letter to the Secretary of War, May 1, 1790, from Kaskaskia: "The distress of the inhabitants at St. Vincennes is extreme. Several persons, driven to the woods in quest of food, have perished by eating roots that proved poisonous." William Henry Smith (ed.), *The St. Clair Papers. The Life and Public Services of Arthur St. Clair* (2 volumes. Cincinnati, 1882), II, 140.

²⁸ Smith (ed.), *The St. Clair Papers*, II, 27.

²⁹ Carter (ed.), *Territorial Papers*, VII, 24.

following the peace of 1783, and because these names are important in the land claims to be spoken of later.³⁰

NAME	DATE SETTLED IN KNOX Co.	NAME	DATE SETTLED IN KNOX Co.
John Martin	1785	Luke Decker	1784
Frederick Mathler	1785	Bastian Frederick	1785
Christian Barrachman	1785	Philip Catt	1785
Michael Thorn	1784	Jacob Pea	1785
Robert Day	1785	John Pea	1785
James Johnson	1784	Joseph Decker	1784
Godfrey Petters	1786	Henry Pea	1785
Peter Thorn	1784	Ralph Matson	1784
Thos. Jordan	1784	Isaac Decker	1784
Christopher Wyant	1785	Abraham Decker	1784
Jacob Thorn	1784	Moses Decker	1784
H. Vanderburgh	1787	Abraham Snapp	1784
Tobias Decker	1784	Lewis Frederick	1785
Allen Ramsey	1784	Abraham Barrachman	1785
John Decker	1784	Edw. Shoebrook	1784
Frederick Linden	1785	Jas. Johnson	1785
John Robins	1784	John Rice Jones	1785
Danl. Thorn	1784	Wm. Mayes	1784
John Lowe	1789	Jeremiah Mayes	1784
John Murphy	1789	Abraham Westfall	1785
Solomon Thorn	1784	John Harbin	1787
Daniel Smith	1785	Joshua Harbin	1787
Wm. Smith	1785	Daniel Meredeth	1780
Daniel Pea	1785	Hezekiah Holliday	1784
Charles Thorn	1784	Patrick Simpson	1785

Following Clark's arrival at Vincennes the French citizens took an oath of allegiance to the Commonwealth of Virginia, and in October, 1778, the General Assembly of that state passed an act creating the County of Illinois to include all the citizens of the Commonwealth residing on the west side of the Ohio. The county was to be administered by a county lieutenant and certain other officials. Col. John Todd was named county lieutenant. In June, 1779, the Vincennes Court was organized with Col. J. M. P. Le Gras as president, the purpose of which was to preserve peace and administer justice in that community.

³⁰ Vincennes *Western Sun* (weekly), May 21, 1859.

The tendency of this court under Colonel Le Gras was to adopt the customs and usages of the old French court, one practice of which was carried on on a large scale. This was the practice of granting land to the French and American inhabitants. Lieutenant Todd and his deputies had no authority to make land grants, and in fact he issued a proclamation in June, 1779, enjoining all persons from making any new settlements on the flat lands of the Mississippi, Ohio, Illinois, and Wabash rivers, "unless in manner and form of settlements as heretofore made by the French inhabitants. . . ."³¹ The Vincennes Court, however, which was composed entirely of Frenchmen who were accustomed to having their commandants make cessions of land at will, began to grant lands, generally about 400 acres, to every American immigrant who came and wanted a tract of land. Between 1779 and 1783 they made grants totaling 26,000 acres of land, and from 1783 until 1787, when General Harmar checked the practice, 22,000 more acres were given out.³²

That the procedure followed by this court in granting tracts of land was not the same as used by the old French court in making grants, is evidenced by a check of the locations of these new land grants. These court grants are scattered throughout the Vincennes district, not laid out in rows along the river as the old grants had been, nor did they lie side by side. Fertility of the land apparently determined the choice of sites.

When Winthrop Sargent, secretary of the Northwest Territory, on examining these grants, asked the members of the court by what right they presumed to make concessions of land, they replied: ". . . the commandants have always appeared to be vested with the powers to give lands. Their founder, Mr. Vincennes, began to give concessions, and all his successors have given lands and lots. Mr. Legras was appointed commandant of Post Vincennes, by . . . John Todd, who was in the year 1779, sent by the State of Virginia for to regulate the Government of the country. . . . In his absence, Mr. Legras, who was then commandant, assumed that he had authority to

³¹ Quoted in A.S.P. *Public Lands*, I, 16.

³² *Ibid.*, I, 10.

give lands according to the ancient usages of other commanders, and he verbally informed the court of Post Vincennes that, when they would judge it proper to give lands or lots to those who should come into the country to settle or otherwise, they might do it, and that he gave them permission so to do."³³

In the cultivation of these large tracts of land the Americans introduced a new mode of life into the settlement, and an economy in which land was of primary importance. Agriculture was to replace fur trade as the chief source of income, and the French, aware of the changing times, sought a means to meet the new conditions. Under the direction of Gen. Josiah Harmar, commander of the Army of the Ohio, who came to Vincennes in 1787, and his deputy Col. John Francis Hamtramck who stayed until 1790, the Vincennes Court was abolished and land grants ceased. On July 13, 1787, the ordinance for the government of the territory northwest of the Ohio was passed. Thirteen days after this the French petitioned the Congress for a donation of land. They asked: "*First*. That every male inhabitant of this district, without discrimination of age, be entitled to five hundred acres of land. *Second*. That as much land as will be equal to the total so granted be moreover conceded to the district as a community. . . ."

³⁴

The arguments put forth in support of their petition review the early history of the post before the advent of the Americans. First they recalled their claim to the tract of land "two hundred and ten miles by seventy-two," based on an Indian grant. They surrendered this charter and threw themselves upon the mercy of Congress: "We had a grant from the Indians; we had settled the country; we had possessed it for a long series of years; our charter was as much (or indeed more) talked of among the Americans as among ourselves." They also urged their loyalty to the American cause during the late war, and the hardships they had suffered in consequence of it. "If, to principles of common justice, it were necessary to add motives of compassion," they wrote, "we might tell . . . a long tale of uninterrupted distresses, oppressions, and calamities, heaped up

³³ A.S.P. *Public Lands*, I, 16.

³⁴ Carter (ed.), *Territorial Papers*, II, 59.

upon us. . . . We might tell them [Congress] that we were once a happy and wealthy people, until we fell a prey to the unquenchable rapacity of those whom we had received as friends; that we, after voluntarily and cheerfully becoming subjects of the State of Virginia were oppressed, plundered, deprived of the common rights of citizens. . . . our attachment to the cause of America . . . has subjected us to the enmity of those Indians who had . . . called us fathers and friends. . . .” Finally, the loss of the Indian fur trade and the necessity of following the example of the American pioneers and of adopting a new land economy was given as the principal reason for the request of donation lands: “The moment we were connected with the United States, we began to be sensible to the real value of lands; and our decreasing peltry trade pointed out to us the necessity of applying ourselves to that new kind of industry. . . . As our acquaintance with our neighbours became more extensive, our charter began to appear to ourselves in a different light from what we had hitherto viewed it; and we are afraid it does not rest upon a sufficiently firm basis.”³⁵

The request for land was made at a time when a discussion was being carried on in the Confederation Congress regarding the new Constitution, and just a few days after Gen. Josiah Harmar had assured the French (on July 7, 1787), that the first coming of United States regular troops to Vincennes was to “preserve good faith with them [the Indians], and protect the legal inhabitants.”³⁶ Circumstances were such that Congress was disposed to listen to the petition of the French at Vincennes.

³⁵ Carter (ed.), *Territorial Papers*, II, 58-60.

³⁶ Smith (ed.), *The St. Clair Papers*, II, 25n.

II. THE REQUEST GRANTED

THE request by the inhabitants of Vincennes for a donation of land did not come to Congress as a startling innovation. Congress had granted land to the veterans of the Revolution, and while the status of the petitioners was hardly that of Revolutionary soldiers, their aid to George Rogers Clark had been great. Nothing was said in the reports of the committees appointed to consider the requests for donations of land in the Vincennes and Illinois districts to indicate whether or not the officials of the government at that time realized fully the importance of French aid to Clark. A decade later, however, in a letter of June 30, 1797, to Territorial Secretary Sargent, Secretary of State Timothy Pickering probably expressed the attitude of the Confederation government in 1787 towards the French in the Northwest, when he said of the settlements on the Mississippi whose situation paralleled that of the French at Vincennes: "By their fidelity to the United States, they cannot fail to recommend themselves."¹

Another factor may have influenced Congress to favor the petition. Ever since France had surrendered to England her claim to the territory northwest of the Ohio River, there had been a tendency on the part of a few French nationals to move with their families across the Mississippi River into Spanish territory. Spanish authorities on their part encouraged the migration. In 1789, a year and a half after the first Congressional donation resolution, the Spanish governor of Louisiana and West Florida, Estevan Miro, formally invited settlers of other countries to immigrate to the Spanish provinces and offered them as much as 800 acres of land by way of inducement.²

¹ Carter (ed.), *Territorial Papers*, II, 611.

² The proclamation ran thus: "Whereas his Majesty has been graciously pleased to permit the subjects and citizens of other countries to emigrate to his provinces of Louisiana and West Florida, by the Mississippi river with their stock, slaves, farming utensils, and household furniture, . . . promising to each family a tract of land from 240 to 800 acres in proportion to their

Between 1783 and 1790 at least five heads of families are known to have left Vincennes and gone over to Spanish territory.³

Undoubtedly it was to the advantage of the United States to counteract this Spanish influence and to hold as many loyal and satisfied settlers in the Northwest as possible. They would act as a bulwark against both Spanish and British aggression in that territory. Granting a sincere request for a donation of a few hundred acres of land would dispose these hardy French pioneers more favorably toward the United States after the disappointments and hardships and even injustices suffered at the hand of the Americans during the preceding ten years.

Following upon the petition of July 26, 1787, a number of other petitions for land came before Congress. On August 7, 1787, the American inhabitants of the post asked for a similar grant of land, and the French on the Mississippi did the same a few weeks later, under date of September 15, 1787.⁴ There then followed a joint explanatory memorial from Vincennes and the Illinois settlements on the Mississippi dated February 28, 1788.⁵ This petition included besides a request for donations of land, requests that the government assume surveyors' fees,

numbers, free from all expense, as also exemption from taxation, and the private exercise of their religion: now in order to fulfil these the benevolent intentions of my royal master . . . I have thought proper to issue this my proclamation, making known to all persons, who may become the subjects of his Majesty, that they will be duly protected in the rights and privileges before mentioned." *Ibid.*, II, 213-14.

³ In a list of names of heads of families at Vincennes in 1783 but absent from that town in 1790 the following entries appear:

"Thomas Dalton . . . in the last year he went to New Orleans where he is a tavern keeper."

"John Baptiste Chartier. Head of a family in 1783, has sold his property, and gone over to the Spanish settlements."

"Joseph Dubé. Head of a family in 1783, now gone to the Spanish settlements. . . ."

"Guilbaut Charles, a claimant as Dubé, and in similar situation."

"The widow of Pier Peron. Is gone to New Orleans. . . ."

The following note was added, "N.B. It is observed of the people that the scarcity of provisions and their poverty forced them away, but they will return." A.S.P. *Public Lands*, I, 12.

⁴ Carter (ed.), *Territorial Papers*, II, 66-67, 72-73.

⁵ *Ibid.*, II, 92-94.

that the French lands be exempt from taxation, and that the "court" grants be recognized.⁶

The committee to whom the joint petition was referred, consisting of James Wadsworth, of Connecticut, William Irvine, of Pennsylvania, and James White, of North Carolina, made recommendations for both the Illinois country and Vincennes in their report of May 5, 1788.⁷ Their very thorough study of the problem was submitted to another committee charged with drawing up a resolution regarding donations of land at Vincennes. Appointed to this committee were Hugh Williamson, of North Carolina, Nathan Dane, of Massachusetts, Abraham Clark, of New Jersey, Thomas T. Tucker, of South Carolina, and Abraham Baldwin, of Georgia. Their recommendations, known as the Resolution of August 29, 1788, were passed by Congress on that same day. This resolution read as follows:⁸

"Resolved that measures be taken for confirming in their possessions and titles the french & Canadian inhabitants and other settlers at post St. Vincents who on or before the year 1783 had settled there and had professed themselves citizens of the United States . . . and for laying off for them at their own expence⁹ the several tracts which they rightfully claim & which may have been allotted to them according to the laws & Usages of the Governments under which they have respectively settled.—

"That four hundred Acres of land be reserved and given to every head of a family of the above description settled at Post St. Vincent—

⁶ The joint petition stated these requests thus: "That . . . all the grants made by the County-Lieutenant or his deputy, and by our respective courts, since we became subjects of Virginia, shall be confirmed. . . .

"That, in consideration of the poverty of the inhabitants, the fees of the Surveyors . . . be paid by Congress.

"That, as an alleviation of our distress & losses during these ten last years, the lands of the french inhabitants of these districts may be exempted from taxation for so long as it will please Congress to order it." *Ibid.*, II, 94.

⁷ *Ibid.*, II, 105-8.

⁸ *Ibid.*, II, 145-46.

⁹ This particular section was repealed by act of February 21, 1793. *U. S. Statutes at Large*, I, 318.

"That the Governor of the western territory cause to be laid out at the public expence in the form of a square adjoining to the present improvements at Post St. Vincent . . . a tract of land sufficient for compleating the above donations. . . ."

Compared with the prayer of the petition this settlement appears reasonable, although the donation conceded was only 400 acres instead of the 500 requested. The grant was made to heads of families and not to each male inhabitant of the post without discrimination of age. In place of having all claims surveyed at the expense of the government, it was provided that the private claims which had been granted by former authorities and which were now to be confirmed by the United States were to be surveyed at the expense of their owners. Only the donation lands were to be surveyed at public expense. The request for setting aside for public uses a portion of land equal to the amount of lands donated was ignored. However, the old Vincennes Commons, which was used by the community as a common grazing place for cattle, was granted to the village in a subsequent act. This area was much smaller than the community grant requested by the petition. No exemption from taxation was allowed, and the request that court grants which had been made under Virginia and United States rule be recognized was either ignored or overlooked.

The four-hundred-acre donations were taken from the great area of land around the village given by the Indians and formerly claimed by the French but which they had surrendered to the United States when they petitioned for land. In accordance with the earliest land policy of the United States, adopted in 1785, no land was to be disposed of in the West which had not been freed of Indian title.¹⁰ This land, however, was considered a part of the public domain. It had come from the Indians to the French, from the French to the English, and by the treaty of peace in 1783 from the English to the United States and the Indian grant was acknowledged by the Treaty of Greenville

¹⁰ The Land Ordinance of 1785 opened with this statement: ". . . the territory ceded by the individual states to the United States which has been purchased of the Indian inhabitants, shall be disposed of in the following manner." Carter (ed.), *Territorial Papers*, II, 12.

in 1795. Later, in 1803, this cession was again acknowledged in a treaty between the United States and the Indians.¹¹

Land, therefore, was granted to the French settlers of Vincennes by the resolution of August 29, 1788. The next step was to determine who were entitled to confirmations and donations under the provisions of the resolution. On the same day, August 29, the Congress instructed the recently appointed governor of the Northwest Territory, Gen. Arthur St. Clair, to proceed as soon as possible to the Illinois country in order to confirm the claims and donations pending there, and then, on his return, to do the same at Vincennes.¹²

These orders were more easily given than carried out. Because of Indian disturbances in the Northwest, the difficulties of travel on the frontier, and the extensive territory that he was to administer, the Governor did not arrive at Kaskaskia in the Illinois country until a year and a half later, March 5, 1790.¹³ He stayed there only two months, far too short a time to investigate the hundreds of claims on the Mississippi, especially as Indian affairs occupied his mind while there, and he had to hasten back to the eastern part of his territory to consult with General Harmar, commander-in-chief. Postponement of the settlement of donation claims in order to deal with the urgent business of Indian uprisings in the vast Northwest Territory was a frequent occurrence during the history of the donation lands, and, together with the inadequacy of certain phases of donation legislation, prolonged a final settlement for many years. However, before leaving the Illinois country Governor St. Clair dispatched the Secretary of the Territory, Winthrop Sargent, to Vincennes in order to carry out the resolution of Congress regarding donation lands at that place.¹⁴ Thus the

¹¹ Treaty of Fort Wayne concluded June 7, 1803. Kappler (ed.), *Indian Affairs*, II, 64. For further comment on this tract, see *post*, pp. 465-66.

¹² Carter (ed.), *Territorial Papers*, II, 146-47.

¹³ Beverley Bond, *The Civilization of the Old Northwest* (New York, 1934), p. 61; Dillon, *History of Indiana*, pp. 223-24.

¹⁴ St. Clair to Sargent [received June 10, 1790] in Carter (ed.), *Territorial Papers*, III, 311; Dillon, *History of Indiana*, p. 233. Sargent was a native of New England, a graduate of Harvard, and a veteran of the Revolution. Soon after the war he became involved in land speculation and

settlement of land claims in the Vincennes district was laid upon the shoulders of the Secretary, and he, more than any other single individual, became the chief government representative for confirming the land claims and donation rights at Vincennes.

Sargent proceeded to Vincennes and in an amazingly short time made himself master of the situation there and summarized it in a report to Congress on July 31, 1790.¹⁵ One hundred and forty-three persons proved that they had been heads of families at Vincennes in or before the year 1783, Sargent reported, on the basis of "information . . . confirmed by the testimony of the gentlemen of the Courts of Quarter Sessions of the Peace and Common Pleas, as well as Judge of Probate, given me in the presence of . . . [Samuel Baird], Major Hamtramck, and Major Vigo. . . ."

Since these 143 persons were entitled to a donation of 400 acres of land according to the resolution, Samuel Baird was ordered by the Secretary to lay out a tract of land east of the village for the purpose of locating these tracts. Fifteen other names were added to this list but were not confirmed by the Secretary at this time because of their absence from the territory.

The residence requirement for the 400-acre donations was not so difficult to prove. However, when Sargent undertook to investigate old claims to land held by the French, he encountered the very loose and inefficient methods that had been used in recording titles. The following proclamation of July 18, 1790, to the people of Vincennes shows the principles which the Secretary had to adopt in confirming to the inhabitants their old claims: "Where titles have not yet been properly explained, . . . it will be necessary that the persons applying for their patents, give the best possible proof that they are entitled to them. There can be no doubt, but many of the ancient concessions may have been lost, and all record of them destroyed. In such cases it will be proper to produce the testimony of some of the old people, that lands, claimed under such

served as agent for the Ohio Land Company. He was honest and industrious and was able to endure the rigors of frontier life.

¹⁵ A.S.P. *Public Lands*, I, 9-16; Carter (ed), *Territorial Papers*, III, 323-29.

circumstances, have heretofore been occupied, under the authority of the French and British Governments, by the persons from [whom] they pretend to derive their rights or titles. And whenever the original concession is produced, unless by the person to whom it was made, it will be absolutely necessary to show how it was acquired."¹⁶

Relying for the most part on oral testimony regarding the lands which the French had received from the commandants for their personal use, Secretary Sargent confirmed 72 fields or farms to 60 claimants, and 162 town lots to 128 persons. The fields, located for the most part in the three prairies around Vincennes as was noted earlier, were generally two or four arpents wide by forty deep. When these tracts were later surveyed in terms of English acres, they amounted to around 66 acres for the smaller tracts and 136 acres for the four-by-forty arpent farms. A few of the confirmed tracts, however, were larger than 160 French arpents. Some persons claimed and received more than one town lot. For example, Francis Vigo was allowed ten and Peter Cournoyer (Connoyer) six. The fact that only 60 persons had farms in the prairies around Vincennes, but that at least 128 persons had lots in the town, shows that only about half of the French inhabitants of the village had farms which they cultivated. This proves, as has been said, that Vincennes, unlike the English colonies, was not an agricultural community in the early days.

The following are typical examples of the way in which these old possessions are described and located in the Sargent

¹⁶ A.S.P. *Public Lands*, I, 15. St. Clair described the difficulties he encountered in trying to straighten out the claims at Kaskaskia, and undoubtedly the situation at Vincennes was just as bad. Wrote St. Clair: "I have been much engaged, since my being here, in receiving and examining the claims of the inhabitants, which has consumed more time than I had any idea would be necessary; but they are the most ignorant people in the world. There is not a fiftieth man that can either read or write, the consequence of which has been that everything where they were parties has languished extremely. Though they are ignorant, they seem to be the gentlest, well-disposed people that can be imagined, and their manners are better than might have been expected, considering their ignorance. . . ." Smith (ed.), *The St. Clair Papers*, II, 137.

report. No doubt the descriptions are those of the French settlers themselves. They are taken from the Secretary's order of survey to Samuel Baird. The entries given herein are but a few of the 234 farms and town lots that were confirmed by Sargent in 1790.¹⁷

"For Frederick Berger. A lot in Post Vincennes, of twenty-five toises, one side to the church lands, another to Andrez Montplesir, and two others to streets.

"John St. Aubin. A piece of land, two acres in front, and the usual depth, one side to Nicholas Chasseau, and another side to Dayneaux. A lot of one hundred and fifty feet, one side to Levron, and the three others to streets. Another lot, fifty-one feet by thirty; one side to Regis, another to the common, and two sides to streets . . .

"Francis Mallet. A piece of land, two acres in front and usual depth, by the meadow of the Big Marsh. A lot one hundred and fifty by one hundred and twenty feet situated above the fort.

"Antony Caty. A piece of land, two acres front by the usual depth, one side to Louis Edeline and the other to Joseph Leveron, near the Big Marsh.

"Alexis Ouilette. A lot twenty-five toises by twelve and a half, one side to Bolon and another to Derozier.

"Honore Danis. A lot of twenty-five toises, on which is his house. Two acres of land in front by the usual depth, near the little river; one side to St. Aubin, and the other to Bourger.

"Rene Langlois. A lot twenty-five toises; one side to Monplaisir, and two others to Charles Languedoc. Two acres in front by the ordinary depth, at the Cathilinette; one side to Barois, and another to Bordeleau.

"John Dovritt. A lot twenty-five toises by twenty-three, one side to Delorier, and three sides to streets. Also two acres in front by usual depth, in the Nut Prairie, one side to Dennis and another to Connoyer.

"Charles Bergaud. A lot twenty-five toises, one side to Philip Chat, another to vacant ground, and two sides to

¹⁷ A.S.P. *Public Lands*, I, 12-15.

streets. Two acres in front, one side to Vallez and another to Languedoc, near the Big Swamp."

Ordinarily the properties were located and described with reference to the prairies in which they were located and the lands adjoining them. The prairies, though, were variously designated. The largest of the three, the one below the village and along the Wabash, generally was called the Lower Prairie. At times, as may be seen from the examples of grants cited, it was designated as the "Prairie of the Grand Marsh," and "Big Swamp Prairie." In detailing the prairie above Vincennes, more commonly known as the Upper Prairie, fifteen claimants used no less than five different names, "Little River Prairie," "Nut Prairie," "On the Little River," "The Little Prairie," and "At the Nut Point." The Cathlinette Prairie was always mentioned as such.

Besides the variations in the names given to the prairies, another difficulty in locating these grants proved to be the many ways in which the French names were spelled. One person apparently would spell a name one way, another would use a different spelling. For example, in the Upper Prairie Honore Danis is called Daneaux by the neighbor on one side and Dennis by the other. Sometimes a man would be identified by his nickname. Antony Caty in the Lower Prairie is familiarly called Sanschagrín by those on both sides of his tract. Orleans and La Tulippe were nicknames that came to be more commonly used than the surname. These variations, confusing now, must have made the work of the Secretary and later commissioners very difficult. One territorial judge, Henry Van der Burgh, was involved in a court suit over a similar change of name.¹⁸

¹⁸ For documents relating to Van der Burgh's claim see A.S.P. *Public Lands*, I, 301-3. With only the descriptions given in Sargent's report of July 31, 1790, it is very difficult to locate the possessions confirmed by the Secretary at that time. In 1807, when a regular government survey was made by Robert Buntin, deputy surveyor, every farm or tract of land in each of the prairies was numbered (see *post*, pp. 480-81). The names of the owners corresponding to the number of the tract or survey were recorded and are now found in Knox County Tract Book, volume III, County Auditor's Office. By comparing the descriptions given in Sargent's report of 1790 with Buntin's notes in the Tract Book, it is possible to locate many of the original owners

Study of the first report on donations in the Vincennes district shows that Secretary Sargent's confirmation of land and donations of 400-acre tracts, as given in his report of July 31, 1790, chiefly concerned the old French settlers of the Wabash community. Doubtless they were the ones originally intended by Congress to benefit from the donations. However, even while the Secretary was hearing the claims of the old French inhabitants and before the donation tract could be laid out or government patents issued for the confirmed grants, a new type of claim that was closely bound up with the history of the village since its conquest by Virginia, was brought to Sargent's attention. No government officer could overlook the land claims which were founded on events of the twelve years after 1778. These new claims were the "court grants," mentioned before, generally of 400 acres of land, made as a rule to American settlers coming into the district by the Vincennes Court between 1778 and 1783.

Strictly speaking, under the resolution of August 29, 1788, the court grants made prior to 1783 could have been confirmed because this provided that not only the French but also "the other settlers" at Vincennes should be confirmed in the possessions allotted to them by the governments under which they had settled. Secretary Sargent, however, considered grants of land made by the Vincennes Court as without legal foundation, and, therefore, out of his power to confirm. He did, on the other hand, recommend the case of those claiming court grants to Congress, stating that they were "under considerable cultivation

of these lands. However, the names of those who received donation lands and the tracts that they received can be better understood by comparing Plat Book No. 5 with Record of Field Notes North of the Base Line and North and West of the Second Principal Meridian, II, 32-150, both of which are in the Land Office, State Auditor's Office, Indianapolis. Owners of some of the tracts of land are not known because they did not present their claims, probably either through ignorance or absence, and no grants were confirmed to them.

Records of the private surveys of the confirmed tracts have not been found although search was made in the Indiana State Library, the Land Office in the State Auditor's Office, in the Knox County Courthouse and the Old Cathedral Library in Vincennes, and in the National Archives.

and improvement, . . . and have been possessed . . . at much expense. . . ."¹⁹

There were other questions for which Sargent needed Congressional assistance in order to answer. There was a doubt as to whether heads of families who had lived at Vincennes in 1783, but had left the district "by removing from Vincennes to the Illinois country" were entitled to the donation of 400 acres because of their absence. A number of individuals, too, held lots in a section that had formerly comprised the old Piankashaw village within the town. There was a doubt as to whether these claims could be confirmed because they were on lands that had been directly acquired by individuals from the Indians. Finally, the people of Vincennes were repeating their request for a commons of 5,000 acres of land, and 131 militiamen who were heads of families shortly after 1783 were asking a donation of land from Congress.²⁰

Secretary Sargent, therefore, carried the resolution of August 29, 1788, into effect in all cases to which he thought

¹⁹ In his report to the President on July 31, 1790, Sargent wrote: "I cannot find, from any information I have been able to acquire, that Mr. Todd ever delegated any power of granting land in this country, or, in fact, that he was endowed with it himself. . . . It appears, however, by a proclamation of Mr. Todd's . . . given at Kaskaskias, the 15th day of June, 1779, that a kind of authority was meant to be applied somewhere in the country, to grant lands . . . ; and twenty-six thousand acres had been granted away from that time to 1783, inclusive; and to the year 1787, (when General Harmar checked the abuse) twenty-two thousand more. . . . Notwithstanding that some of the [claims to] four hundred acres and small lots [date from] . . . or before 1783, yet the authority whence they were derived has been such that I could not consider them as 'rightful claims.' They are however, sir, in a few instances, under considerable cultivation and improvement, and some of the plantations and many of the small lots which have been granted by the court since that time, are now cultivated in tillage, and have been possessed by the present claimants, at much expense; but by far the greatest number of them were obtained at the cost of office fees only, and remain to this hour in a state of nature"

"Upon the subject of those lands, sir, a petition has been presented to me by . . . eighty Americans, setting forth that they were induced to come into this country by the court of Post Vincennes, with every assurance of their authority to make grants." A.S.P. *Public Lands*, I, 10.

²⁰ *Ibid.*

it clearly applied. This action was approved by the government and considered final and no approbation other than the Secretary's confirmation of claims was at this time considered necessary. This would seem to be the meaning of the words of the Secretary of State, Thomas Jefferson, in reporting to the President on December 14, 1790: "The Secretary of the Northwestern Government, in the absence of the Governor, has carried this resolution into effect, as to all claims to which he thought it could be clearly applied."²¹ Those doubtful cases, which Sargent felt were not in his power to consider—namely, the dubious claims of heads of families who were absent from Vincennes or had moved from the territory, the case of those who had bought land in the former Piankashaw village, the court grants, the request for a confirmation of the Vincennes Commons, and the request of certain militiamen for a grant—were now laid before Congress for their decision. In his report to the President, Secretary of State Jefferson summarized the secretary's account, and ended his message thus: "The Legislature alone being competent to authorize the grant of lands as yet unprovided for by the laws, the Secretary of State is of opinion that the report of the Secretary of the Northwestern Government . . . should be laid before Congress for their determination."²²

A committee that had been appointed to consider Sargent's report and also reports of Governor St. Clair from the Illinois country in regard to the land situation there, reported favorably on each of the cases submitted in the Secretary's report. His report, therefore, became the basis for the act of March 3, 1791, in so far as it referred to Vincennes. This act was entitled "An Act for granting lands to the inhabitants and settlers at Vincennes and the Illinois country, in the Territory north-west of the Ohio, and for confirming them in their possession." Its principal provisions are given here:²³

²¹ A.S.P. *Public Lands*, I, 16. See also Carter (ed.), *Territorial Papers*, II, 315-17.

²² A.S.P. *Public Lands*, I, 16.

²³ U. S. *Statutes at Large*, I, 221-22; Carter (ed.), *Territorial Papers*, II, 339-42.

“Be it enacted . . . That four hundred acres of land be given to each of those persons, who in the year one thousand seven hundred and eighty three, were heads of families at Vincennes or in the Illinois country . . . and who since that time have removed from one of the said places to the other. . . .

“And be it further enacted and declared, That the heads of families at Vincennes or in the Illinois country in the year one thousand seven hundred and eighty three, who afterwards removed without the limits of the said Territory, are notwithstanding, entitled to the donation of four hundred acres of land. . . .

“And be it further enacted, That one hundred and fifty acres of land, heretofore in possession of the Piankeshaw Indians, and now under actual improvement, and constituting a part of the Village of Vincennes be given to the persons who are severally in possession of the said land.

“And be it further enacted, That where lands have been actually *improved and cultivated* at Vincennes, or in the Illinois country, under a supposed grant of the same, by any commandant or court claiming authority to make such grant the Governor of the said territory be, and he hereby is empowered to **confirm to the persons who made such improvements, their heirs or assigns, the lands supposed to have been granted as aforesaid, or such parts thereof as he, in his discretion, may judge reasonable,** not exceeding to any one person, four hundred acres.

“And be it further enacted, That a tract of land, containing about five thousand four hundred acres, which for many years has been fenced and used by the inhabitants of Vincennes as a common . . . are hereby appropriated to the use of the inhabitants of Vincennes . . . to be used by them as a common, until otherwise disposed of by law.²⁴

“And be it further enacted, That the governor of the said Territory be authorized, to make a grant of land not exceeding one hundred acres, to each person who hath not obtained any donation of land from the United States, and who, on the first day of August one thousand seven hundred and ninety,

²⁴ The land in the Vincennes Commons was offered for sale by the act of April 20, 1818. U. S. *Statutes at Large*, III, 469.

was enrolled in the militia at Vincennes . . . and has done military duty. . . .”

This act covered all the issues raised in Sargent’s report, and was regarded as final with respect to any rights on which claims in the Vincennes area could be based.²⁵ However, complete as it was, it did not mean that all the problems of the Vincennes claims were solved. There was delay in hearing and approving claims. Even before Congress passed the 1791 act Sargent was ordered to leave Vincennes and go back to the Ohio country.²⁶ He left in February, 1791, and did not return until 1797. During these years the Vincennes land claims were untouched.

Furthermore, neither the Resolution of August 29, 1788, or this act provided clearly for the issuing of patents after the lands had been confirmed by the government agents, which tended to give all the confirmations made by the Governor and Secretary a tinge of uncertainty and made some further Congressional action necessary. On January 3, 1794, Secretary Sargent wrote to the Secretary of State that “considerable inconveniences accrue to the inhabitants of Vincennes . . . by a delay of the Patents for the Donation lands to the ancient settlers thereof.”²⁷ This is the first indication that patents were not being issued, and it is not clear whether they were being held up by the Governor of the Territory or by the Federal government. In an order of survey issued to Samuel Baird, July 13, 1790, at the time of his confirmation of claims at Vincennes, Secretary Sargent spoke as though he or the Governor would issue patents: “Patents will issue as soon as your returns are made into my office.”²⁸ And in his proclamation to the people of Vincennes a few days later, July 18, 1790, the Secretary expressed the same opinion in such a way as to make it appear that the granting of land patents would be a simple matter: “patents of confirmation are to be issued, as

²⁵ Secretary of State Madison, in his message to Congress on December 1, 1803, referring to the acts of 1788 and 1791, said: “the latter . . . ought to be considered as closing the claims of the settlers of Vincennes.” Quoted in Esarey (ed.), *Messages and Letters*, I, 91.

²⁶ Carter (ed.), *Territorial Papers*, II, 480.

²⁷ *Ibid.*, II, 472.

²⁸ A.S.P. *Public Lands*, I, 11.

soon as he [Samuel Baird, the surveyor] shall have completed the surveys, and returned plats thereof into the office of the Secretary of the Territory.”²⁹

But Sargent was overruled by a decision of Attorney General William Bradford to whom the Secretary of State had referred Sargent’s letter. The Attorney General said that although it might be inferred from the acts of June 20, 1788, and March 3, 1791, that the territorial governor was the proper officer to issue patents, still the power was not expressed “nor are the words of the act broad enough to implicate any such power.” Bradford added that there was nothing in the Constitution giving the President authority to issue patents and that, “if therefore patents are thought necessary to confirm the titles . . . it remains with Congress to direct by whom they shall be issued.”³⁰

Thus the Attorney General had made it clear that neither the Governor nor the Secretary of the Territory had the power or authority to grant patents for the lands confirmed and donated by acts of Congress. Lands that were to be sold by the United States were, in accordance with the Ordinance of 1785, to be patented by the commissioners of the loan offices in each state; “the loan officer shall deliver a deed.”³¹ St. Clair and Sargent apparently presumed that they had the same authority to issue patents on donation lands as the commissioners had for granting patents on lands sold by the United States, or that, since they were authorized to lay out tracts of land to the persons claiming them, and also donation grants of 400 acres, they also were the proper officers to grant patents for the same.

In the Land Act of May 17, 1796, an “Act providing

²⁹ *Ibid.*, I, 15.

³⁰ Attorney General Bradford to the Secretary of State, March 25, 1794, in Carter (ed.), *Territorial Papers*, II, 477. The Attorney General erroneously referred to the resolution of June 20, 1788, and grants on the Mississippi, but when Sargent called his attention to this error, he replied that the people of the Wabash were in the same situation as those on the Mississippi, “there being no authority for granting patents to them, vested, either in the President or in the Governor of the Western Territory.” *Ibid.*, II, 478.

³¹ The Ordinance is given in *ibid.*, II, 12-18.

for the Sale of lands of the United States in the territory north-west of the River Ohio, and above the mouth of Kentucky river," Congress took from the hands of the loan officer the power of issuing deeds for land sold by the United States, and authorized the President to grant such deeds. "On payment of the . . . balance . . . [of money owed for land] to the Treasurer . . . and producing to the Secretary of State a receipt for the same, upon the aforesaid certificate, the President of the United States is hereby authorised to grant a patent for the lands to the said purchaser. . . ." ³² It was not, however, until thirteen years after the Attorney General handed down his opinion that no provision had been made for issuing patents on donation lands at Vincennes, that a definite procedure was adopted for this type of land. This was done in the act of March 3, 1807, ³³ which provided means for the issuing of patents on confirmed claims.

During the period between 1791 and 1804 the claims under the act of 1791 were not completely ignored. In 1797, upon Secretary Sargent's return to Vincennes, he appointed a board of commissioners to hear cases on land, to examine evidence, and to report to him. With his accustomed energy he dug into the work and before many months had passed had prepared a long list of claims to be laid before Congress for final confirmation. These claims were given to Robert Buntin, surveyor, in two reports, one dated October 23, 1797, the other, January 8, 1798. These same warrants of survey were sent to Congress on March 18, 1798. ³⁴ The confirmations of 1797 and 1798, represent the last grants made by Sargent in the Vincennes neighborhood. Shortly before the completion of the last report he was elevated to the position of governor of the newly organized Mississippi Territory. Although the hearings on the land claims under the 1791 act were deferred for several years, the majority of them were actually settled by Secretary Sargent.

³² Carter (ed.), *Territorial Papers*, II, 556. See also U. S. *Statutes at Large*, I, 464-69.

³³ Carter (ed.), *Territorial Papers*, VII, 434.

³⁴ A.S.P. *Public Lands*, I, 84-90.

In these final reports of Sargent the number of town lots confirmed was not great, only 63 being listed at that time. These reports dealt mostly with larger grants outside the town based on old claims and militia service. There were 139 of the larger tracts confirmed, ranging from 40 to 400 arpents. Some were laid out according to the French fashion, in long narrow strips, others were square or very irregular, following some natural boundary, such as a stream, a marsh or pond, a large tree, or a hill. These irregular farms showed that a new type of settler had come into the Vincennes community, the American pioneer farmer. The militia grants were made in the donation tract south of White River or on improvements already made by the militiamen. American names appear frequently in Sargent's last reports. Some of the Americans had belonged to the Vincennes militia in 1790,³⁵ but in most cases their claims were based on court grants, though some had come quite recently and purchased their land claims from the original French claimant. Some of these grants may be cited by way of illustration. It should be noted that the examples given are not taken word by word from the Sargent report, but have been broken down into columns.³⁶

There were still unsolved problems in connection with the land claims. One reason for dissatisfaction could be seen in the last four examples of claims given in the table below. In each of these four cases much less land was granted by the Secretary than was actually claimed. The trouble seemed to lie in the interpretation of the section of the act of 1791 in which the Governor was given power, where lands had been granted by a commandant or court, to confirm to the person claiming such, the lands supposed to have been granted, or what he judged reasonable, in cases where the lands had been "*actually improved and cultivated.*"³⁷

Secretary Sargent explained the rule he followed in judging what he considered actual improvement and cultivation in a letter to Samuel Otis, secretary of the U. S. Senate, who had

³⁵ See *ante*, p. 439.

³⁶ See p. 460. The table is based on A.S.P. *Public Lands*, I, 84-90.

³⁷ Carter (ed.), *Territorial Papers*, II, 340. Italics added.

Claimant	Number of arpents or acres claimed and confirmed	Location	By whom granted
Isaac Decker	400	On White River	Court, June 1784
Joseph Decker	4 by 40	North side Wabash	Granted 1780 to Hannah Dalton, and assigned to Decker from Valentine Thomas Dalton and his wife Hannah
Jean Baptiste Villray	4 by 40	On River Embarras	Court, March 14, 1782
Mainard Artur- gus, heirs	400	In forks of River Du Chi	Court, 1785
James Johnson	9 by 40	On fork road	St. Ange over 30 years ago to Denoyon, then to Denoyon's sister, wife of Perodo, Perodo to Johnson
Robert Mays	400 claimed, 100 confirmed	Between Du Chi and White River	Court, 1784
John Small	400 claimed, 50 confirmed	Between Busseron and Marie rivers	Court, 1785
Abraham Decker	400 claimed, 50 confirmed	Between Du Chi and White rivers	Court, 1785, to John Decker, then to Luke Decker, and by him to Abraham Decker
Alexander Vallez	4 by 40 arpents, 25 acres con- firmed because of improvements	On Wabash be- low the Rock	Court, 1785

apparently written for an explanation of his procedure: "The act of Congress of the 3d of March, 1791 . . . I have exercised with such liberality as I was sometimes apprehensive might be construed into prodigality. From this act, and the example of the Governor, I have confirmed every 'concession' of land not exceeding four hundred arpents that had been made on or before 1783, which has been presented unto me, and which was not an arrant forgery." However, the discontent was the result of what Sargent said next: "I have, *in proportion to actual expense made, and improvements*, ordered to be surveyed all subsequent grants under any supposed authority, to the year 1791."³⁸

Even Governor St. Clair did not approve of the procedure of his earnest secretary. He had met a similar situation in the Illinois country during his work there, but had deferred making any final decision until he had consulted the Secretary of State, Timothy Pickering, about it. The Governor summed up the situation in a report to Congress January 7, 1799:³⁹

³⁸ A.S.P. *Public Lands*, I, 84. Italics added. The distinction of lands granted before and after 1783 was evidently taken from the act of August 29, 1788, which resolved that measures be taken "for confirming in their possessions and titles the french & Canadian inhabitants and other settlers at post St Vincents who on or before the year 1783 had settled there. . . ." Carter (ed.), *Territorial Papers*, II, 145. *Ante*, p. 445.

In his instructions to Surveyor Buntin of January 8, 1798, Sargent wrote: ". . . upon those [claims] where I have observed silence a total rejection must be understood, and amongst them, for such as were in the donation tract, notwithstanding small improvements which may have been evidenced, it was out of my power to order the smallest compensation. . . ." A.S.P. *Public Lands*, I, 90.

³⁹ A.S.P. *Public Lands*, I, 91. In later years the land commissioners appointed under the act of March 3, 1804, met the same situation and corroborated this statement of Governor St. Clair in their report of March 25, 1806: "From about the end of the year 1785, until about two years after the Treaty of Greenville, the country about Vincennes, completely surrounded by hostile Indian tribes, and cut off from every means of relief, was placed in a situation highly dangerous; . . . attempts to form settlements and make improvements were, faint, hazardous, and most generally frustrated. . . . The improvements and cultivation made on these few spots where forts or stations had been erected . . . are almost the only ones that can come within the full meaning of the act; thus, besides the advantages the owners of those places obtained in point of security, they derived from the labors of their less fortunate neighbors a better claim to their respective lands." A.S.P. *Public Lands*, VII, 677.

“In many cases there would be very small improvements, while the persons were equally deserving of the bounty of Congress as those who had made much larger, and, indeed, were objects of compassion: for, having been intercepted or driven off by the Indians, they had lost their time, and the benefit that would have accrued to them from their labor . . . ; and many of them, from the dangerous and unsettled state of the country, were reduced to extreme poverty; while others, who had been able to continue their possession, were wealthy and had fine farms. Many lost their lives, and their widows and children have little left except their claim to that land which the loss of the husband or the father prevented the cultivation. . . . it was his [St. Clair’s] opinion, it was not so much the nature or quantity of improvement which should be considered as the intention of the party in making it; and . . . whenever it could be made to appear that a person had obtained a grant, and began to improve the land, with the intention bona fide to make a settlement, that the whole quantity should be confirmed to him. The opinion of the Secretary [of State] coincided with that of the Governor, and he recommended it to him to proceed in that manner.”

The Secretary, however, had clung to the strict interpretation of the law, whether he realized fully the situation or not, and in so doing had brought out many complaints. Governor St. Clair continued in his report: “In the mean time the Secretary of the territory had returned to that country, and proceeded to allot the lands according to his discretion . . . in some cases four hundred acres are given, in some two hundred, and in some twenty-five acres; and in one, where the improvement was proved to have been worth eight hundred dollars, fifty acres. In the cases where the lands claimed fell within the donation tract, this short note appears: ‘In the donation tract, and cannot be confirmed.’ The people are extremely dissatisfied.”

For ten years the donation claims had dragged on without being finally settled. Secretary Sargent moved to far-away Mississippi Territory and in 1800 Indiana Territory was created with William Henry Harrison as governor. The situation awaited a new act of Congress that would take the land claims

out of the hands of the governors, who were too busy to do full justice to them, and put the responsibility on specially appointed commissioners whose sole official occupation was to see the complicated donation claims through to final settlement. Expansion of the frontier was soon to force Congress to hasten the settlement of donation claims in order that land in the Vincennes district could be put up for sale.

III. THE FINAL SETTLEMENTS

THE land policy of the United States was initiated by the Congressional acts of May 20, 1785, May 18, 1796, and May 10, 1800. Under these laws, before public land could be put up for sale, the Indian title to it had to be extinguished, the land had to be surveyed into Congressional townships six miles square, and land offices opened. This procedure was not entirely new. It had been tested in the New England colonies and was adopted by the national government in preference to the southern custom of unrestricted settlement. The New England system of "township planting," as it was called, limited the settler in his choice of land, but it prevented much subsequent confusion in land titles.

By the act of 1785 surveys were ordered to be made in the seven easternmost ranges in Ohio in preparation for land sales in that region. In 1796 land offices were established in Cincinnati for the sale of lands "below the Great Miami," and at Pittsburgh for the sale of land "between the Scioto and the Ohio Company's purchase." Since no tract smaller than a section (640 acres) could be sold, land speculators rather than individual farmers were favored. The Harrison Land Act of May 10, 1800, reduced the minimum acreage purchasable to 320 acres and established land offices at Chillicothe, Marietta, and Steubenville.

During the fifteen years between 1785 and 1800 and even before 1785, while the frontier was slowly moving through Ohio, some bold spirits, ignoring frontier lives, were settling several hundred miles to the westward in the old French community at Vincennes. When the American immigrants arrived on the Wabash there was no government land for sale, and, as we have seen, many of them received generous grants of land from the Vincennes Court until 1787, when Colonel Harmar arrived to set up a government in the name of the United States. After 1790, by which time the first donation grants had been confirmed, the Americans had bought many of the 400-acre donation tracts and other grants which were for

sale by the donees. In other instances the Americans bought the unconfirmed French claimants' "rights" to donations.

Since no patents or deeds had been issued there was uncertainty about the confirmed claims and donations. Authority of the territorial Governor or Secretary to issue patents had been denied by the Attorney General. Private surveys had been made of all the lands confirmed under the first two Congressional donation acts, but many of the old claims were in a variety of sizes and shapes and their boundaries were not free from litigation.

In 1800 Indiana Territory was organized out of the Northwest Territory and William Henry Harrison appointed governor. The land-hungry Americans were now eager to have the region opened for sale. But before government surveys and public land sales could be made here, it was necessary to clear up the still unsolved land claims.

The first step in clearing these titles was the conclusion of a formal treaty with the Indians by which their titles to the land around Vincennes would be definitely extinguished and clearly defined Indian boundaries be drawn. The next step was the appointment of some sort of board of commissioners to make decisions on all donation claims and adjust their boundaries. Thus when a complete settlement of claims had been reached, the government would know definitely what land had been granted and what could be put up for sale.

In regard to extinguishing the Indian title Harrison held a conference with the various tribes living near Vincennes on September 17, 1802,¹ at which the United States agreed to relinquish all claims to land in the neighborhood of Vincennes except a tract around the town ceded by the Indians in the Treaty of Greenville in 1795. This latter treaty did not define the area, stating merely that "the post of St. Vincennes on the river Wabash, and the lands adjacent, of which the Indian title has been extinguished," would be henceforth free of Indian claim.² The basis for this was the old and vague grant by the Indians to the French. Harrison described the tract as extending from Point Coupee on the Wabash, twelve leagues above the mouth of

¹ Esarey (ed.), *Messages and Letters*, I, 56-57.

² Kappler (ed.), *Indian Affairs. Laws and Treaties*, II, 41.

the White River, to twelve leagues below Vincennes, and running forty leagues east of the Wabash and thirty leagues west.³

After the conference in 1802 Thomas Freeman ran the boundary of this Vincennes Tract and on June 7, 1803, Harrison concluded a formal treaty with the Indians which stated: "Whereas it is declared by the fourth article of the treaty of Greenville, that the United States reserve for their use the post of St. Vincennes and all the lands adjacent to which the Indian titles had been extinguished: *And whereas*, it has been found difficult to determine the precise limits of the said tract as held by the French and British governments: it is hereby agreed, that the boundaries of the said tract shall be as follow: Beginning at Point Coupee on the Wabash, and running thence by a line north seventy-eight degrees, west twelve miles, thence to a line parallel to the general course of the Wabash, until it shall be intersected by a line at right angles to the same, passing through the mouth of White river, thence by the last mentioned line across the Wabash towards the Ohio, seventy-two miles, thence by a line north twelve degrees west, until it shall be intersected by a line at right angles to the same, passing through Point Coupee, and by the last mentioned line to the place of beginning."⁴

The tract included approximately 1,600,000 acres. The north-south lines proved to be forty miles long and the east-west lines seventy-two. The northeast corner of the district was near present-day Orleans, 57 miles due east of Vincennes. On the southern boundary line of the tract the distance from the mouth of White River to Freeman's southeast corner at a point in Perry County southeast of St. Meinrad is 59 miles. An offset was made in the northern line to include certain settlements that had been made there and also at Princeton on the southern boundary line.⁵

The Vincennes Tract, having been cleared of any Indian claim, was now ready to be surveyed. In 1804 the base line for

³ Harrison to the Secretary of War, February 26, 1802, in Esarey (ed.), *Messages and Letters*, I, 41.

⁴ Kappler (ed.), *Indian Affairs. Laws and Treaties*, II, 64.

⁵ George R. Wilson, "The First Public Land Surveys in Indiana; Freeman's Lines," in *Indiana Magazine of History*, XII(1916):8.

Indiana was established and the following year the line of the second principal meridian was run.⁶ But before the Congressional townships could be surveyed, the survey lines of the old donation claims had to be definitely determined. Provision for this was made by the passage of the act of March 26, 1804,⁷ which provided (1) for the survey of the land within the Vincennes Tract; (2) for the sale of the public lands therein and the establishment of a land office at Vincennes; and (3) for the eventual solution of donation claims by ordering a resurvey of all donation claims and a recording of them, and appointing a board of commissioners to hear these claims. The section relating to these latter points reads as follows:

“. . . That every person claiming lands within any of the three tracts of land described in the preceding section, by virtue of any legal grant made by the French government, prior to the treaty of Paris, of the tenth of February, one thousand seven hundred and sixty-three, . . . the British government, subsequent to the said treaty, and prior to . . . the third of September, one thousand seven hundred and eighty-three, or of any resolution, or act of Congress, subsequent to the said . . . [date], shall, on or before the first day of January, one thousand eight hundred and five, deliver to the register of the land office . . . a notice in writing, stating the nature and extent of his claims, together with a plot of the tract or tracts claimed, and may also . . . deliver to the said register, for the purpose of being recorded, every grant, order of survey, deed, conveyance, or other written evidence of his claim; . . . and if such person shall neglect to deliver such notice . . . or to cause to be recorded such written evidence of the same, all his right, so far as the same is derived from any resolution or act of Congress, shall become void, and forever be barred.

“. . . That the register, and receiver of public monies . . . be commissioners for the purpose of examining the claims of persons claiming lands by virtue of the preceding sections. . . . The . . . clerk shall prepare two transcripts of all the decisions made by the said commissioners in favor of the

⁶ Wilson, *Early Indiana Trails and Surveys*, p. 79.

⁷ Carter (ed.), *Territorial Papers*, VII, 173-84.

claimants to land . . . ; and the lands, the claims to which have been thus affirmed by the commissioners, shall not be otherwise disposed of, until the decision of Congress thereupon shall have been made. . . .”

On September 18, 1804, the Vincennes *Indiana Gazette* announced “the arrival of Mr. Badollet, the register of the land office, in good health.” This was John Badollet, native of Switzerland and close friend of Albert Gallatin. The receiver of public monies at the Vincennes Land Office was Nathaniel Ewing. Under the act of 1804 they were to serve as a Board of Commissioners to determine all the remaining unsettled land claims.

The commissioners lost no time in undertaking their task. The same issue of the *Gazette* that reported the arrival of Badollet also carried the following announcement: “The public are hereby informed, that the office for receiving and recording evidence of claims to land within the district of Vincennes . . . will be opened on Thursday, the 20th inst. at the office of the secretary [of the territory].”

In explaining what papers were to be presented to them, the commissioners made it clear that confirmations made by the territorial governors and secretaries were to hold good. “Where the governor has issued patents or confirmed claims,” this announcement stated, “it is unnecessary to record any other paper than such patents or evidence of confirmation, and except it is expressly requested by the grantees, no previous or subsequent transfer need to be recorded.”⁸ Claims, however, that had not been settled by the governors would be considered with all the pertinent evidence and decided by the commissioners.

Even before the arrival of the commissioners there seems to have been some discussion regarding the validity of the confirmation made by the governors, or at least, of the power of the commissioners to alter these decisions. This perhaps was due to the fact that Section 3 of the 1804 act

⁸ Vincennes *Indiana Gazette*, September 18, 1804. The use of the plural “governors” by the commissioners in their reports and correspondence probably refers to Governor St. Clair and Secretary Sargent who served as acting governor.

concerning the filing of claims did not distinguish between those claims that had been confirmed by the governors and secretaries and those still unsettled.

Nevertheless, any doubts in respect to the validity of the governors' decisions were quickly removed by a lengthy statement from the Secretary of Treasury to Governor Harrison, a summary of which Harrison published in the *Indiana Gazette* on August 21, 1804, before the arrival of the commissioners: "1st. That the land granted by the Governors and which has been laid off under their direction, is not to be resurveyed at the expense of the proprietors. 2nd. That no other title paper is to be recorded when the claim has been confirmed but the patent or other evidence of confirmation.—And 3rd. That all grants made by the Governors, are to be recognized, excepting such only, as may have been 'surreptitiously and fraudulently obtained, through false representations of the party.' " Therefore, when the commissioners arrived at Vincennes, the validity of the majority of the governors' confirmations had been established.

Nine months had been allowed for the examination of claims in the Vincennes area, March 26, 1804, to January 1, 1805. It soon became evident, however, that the period was far too brief to permit a careful scrutiny of the hundreds of cases that were presented. Congress for that reason extended the time for exhibiting claims eight months, until November 1, 1805.⁹

After two years of careful sifting of the evidence, the commissioners were able to send to Congress their report under date of March 25, 1806. The following November a second report was dispatched to Congress. This was a duplicate of the first except that it gave the location or situation of the claims, and made a few additions to the earlier report. The second report is dated November 27, 1806.¹⁰

⁹ Act of March 3, 1805, in Carter (ed.), *Territorial Papers*, VII, 263-66. See also U. S. *Statutes at Large*, II, 343-45.

¹⁰ A.S.P. *Public Lands*, I, 288-303, 558-81. Neither of these reports is given in its entirety in the American State Papers, although the two as given taken together make a complete report. In volume VII, 676-727, the two reports are repeated except for Document A of the second report. Volume VII also gives the commissioners' report of May 27, 1812 (pp. 700-8), and a list of "locations" from 1 to 237 made under the several donation acts

For our purpose the two reports may be considered together. The commissioners divided land claims into two principal classes—those confirmed by the governors and those confirmed by themselves. These were likewise subdivided into (1) claims confirmed, based on British and French grants and court grants; (2) 400-acre donations confirmed to those who were heads of families before 1783; and (3) claims confirmed based on militia service.

Approximately 363 claims based on British and French grants and court grants were confirmed by the governors, and 52 by the commissioners. The tables show that by far the majority of the original claimants were French. By 1806, when the commissioners made their report, of the 363 claims to tracts of land confirmed by the governors, only 76 remained in the hands of the original claimants or their heirs; and of the 52 confirmed by the commissioners, only 26 were still in the hands of the original claimants or their heirs. Out of a total of 415 tracts, 313 had already been sold.

A glance at the names of the original claimants and those who held the claims in 1806 shows to what extent Americans had bought up the French claims. About 155 tracts of land originally granted to some French inhabitants were, at the time of the commissioners' report, in American hands. This does not mean, however, that there were 150 different American pioneers who were holding those lands. A considerable number of the Americans had obtained several of them, notably Governor Harrison, Henry Van der Burgh, and William McIntosh. Not to be overlooked, of course, was the veteran speculator, Francis Vigo.

This circumstance is even more noticeable in the 400-acre donation tracts. The governors confirmed the claims of 246 original donees. Only seven of these tracts were still in the

(pp. 709-27). Complete summaries of all the commissioners' reports, and also pertinent letters exchanged by the commissioners and various Federal officials comprise two U. S. House Reports: *Indiana—Land Claims—Vincennes District* in *House Executive Documents*, 23 Congress, 2 session, No. 198; and *Land Claims—Vincennes District* in *House Executive Documents*, 25 Congress, 2 session, No. 455. There are minor variations between these two reports; the latter is used for reference in this study.

possession of the original donees or their heirs in 1806. The names of these may be of interest: heirs of Jean Baptiste Bosseron; Antoine Drouet, dit Richardville; the heirs of Antoine Lunsford; Frederick Mehl; heirs of Nicholas Perrot; Pierre Racine St. Marie; and Francis Valiquette. All the other French donees had sold their claims to Americans or to a few Frenchmen who held considerable land. The commissioners confirmed 18 claims to these 400-acre donations. Fifteen of these still remained in the hands of the original donees.

As to the militia grants of 100 acres, 221 grants were made by the governors to militiamen enrolled in the Vincennes militia in 1790. Only 24 of these grantees still possessed these tracts in 1806. The commissioners acknowledged 14 additional grants; 10 of these were confirmed to the original grantees. That most of the militia claims had been confirmed to Frenchmen is very evident from the list of claimants. It is also evident that they gave up their land to Americans. Most of the Americans receiving grants were still in possession of them when the commissioners made their reports.

The commissioners' reports tell a story of lost opportunity for the French at Vincennes, who valued too little the lands given them and refused to fit themselves into the American agricultural plan. No doubt some of them were anxious to sell their land because of their extreme poverty and need of the moment. Others probably valued the donations lightly because of a lack of confidence in the ability of the United States to survive. This attitude, derived from the poor administration extended to settlement in the early years of the new Republic and the hardships that the inhabitants suffered, is understandable. They had little faith in the future development of the Old Northwest under the United States. Another class of Frenchmen may have sold their 400-acre donations because they did not wish to change to a completely agricultural mode of life and have to clear the heavy forests that covered the donation tract.

Thus, although the main reason of Congress in passing the donation acts was to aid the French inhabitants of the village who had suffered through the conquest period, the majority of

the Frenchmen never possessed the land granted or derived the anticipated benefit from it.

The tendency of the French to dispose of their donation land manifested itself from the very time that donations began to be talked of. As early as August 7, 1787, Francis Brouillet and his wife Josette Boneau sold to Francis Vigo the 400 acres they hoped to receive from Congress for about fifty dollars.¹¹ During October, 1787, Vigo bought at least sixteen of these deeds to "hoped for" grants. The following is an example of these deeds, made out on November 29, 1787, by Joseph La Fleur to Francis Vigo:

"I the undersigned, Joseph La Fleur, Junior, . . . confess to have sold and transferred to M. Vigo . . . all my rights and pretensions to the territory that Congress will accord to the inhabitants of the post . . . understanding to have received this day the entire payment of the said land of which I find myself satisfied and if the Congress does not accord the territory in the quantity that one hopes for the said M. Vigo shall have nothing to hold against me of the payment that he has made me this day—I having sold him my hopes. . . . Joseph La Fleur."

There is no record of what Vigo paid for his hoped-for piece of land, but two hundred francs or about fifty dollars seems to have been the usual price, and this does not seem to have been altered even after the donation acts passed Congress. Thus Vital Boucher, who had drawn lot number 132 in the donation tract, sold his right to the land to Vigo on December 20, 1791: "Be it hereby known that we Vital Boucher, . . . acknowledge to have sold and ceded on our own accord, to Sir Francis Vigo . . . the four hundred acres or arpents of land that shall devolve to me, according to an act of the Honorable Congress, that all the fathers of a family living at Post Vincennes before and in the year 1783 shall receive. . . . This present cession

¹¹ Notes and documents relating to Vigo's land transactions are among his papers in the Harrison House, Vincennes. The deeds and conveyances were made on small slips of paper, signed, and witnessed.

and conveyance was made by virtue and by means of the sum of two hundred francs. . . .”

A similar conveyance received in the Recorder's Office and dated 1791 gives the price as \$50.00: “Received in my office in Vincennes, Knox County, Indiana Territory, a deed bearing seal the 25th day of April 1791, wherein, Jean Charpentier convey unto Francis Vigo and his heirs 400 acres or arpents of land which was granted to him as head of a family at St. Vincennes on or before 1783 for and in consideration of 200 livres or fifty dollars.”¹²

In fact, by about 1792 Francis Vigo had bought for \$50.00 or less many of the 400-acre donation tracts. A total of 101 of the 158 heads of families who received grants of 400 acres under the 1788 act sold their land to Vigo. This is evident from an undated document in the Vigo Papers which contains a list of the donation rights that were assigned to Vigo, together with the assignors' names, the dates when given, and the quantity of land involved.¹³ Almost immediately Vigo began selling his holdings at profit. When the commissioners settled the donation claims in their reports of March 25 and November 27, 1806, Vigo retained only 57 of the 400-acre tracts that he had at one time held.¹⁴ For example, on March 12, 1796, Abraham Brinker, of Westmoreland County, Pennsylvania, bought from Vigo a tract for \$330, paying down \$266.15 and agreeing to settle the rest before May 1, 1797.¹⁵

¹² The original deed for the Charpentier donation, now in the Vigo Papers, bears the following endorsement: “Recorded in my Office in Vincennes Knox County the 5th day of August 1801 in Book B page 501. John Gibson Junr recorder.”

¹³ This list is given *post*, pp. 485-89. It may be compared with the list of 400-acre donations given in A.S.P. *Public Lands*, I, 11-12.

¹⁴ These may be easily seen in the tables in *Land Claims—Vincennes District*, in *House Executive Documents*, 25 Congress, 2 session, No. 455, pp. 30-41.

¹⁵ The document covering this transaction reads as follows: “Memorandum of an agreement made & concluded on between Francois Vigo of Knox County Territory of the United States North West of the River Ohio Esquire of the one part; and Abraham Brinker of Westmoreland County in the State of Pennsylvania yeoman of the other part. Witnesseth that the said Francois Vigo for and in consideration of the Sum of Three Hundred and

On June 20, 1796, Vigo sold eleven 400-acre tracts to John Purcell of Hampshire County, Virginia. The price paid was a dollar an acre. In 1801 the price was still the same, for on February 1 of that year Jeremiah Claypool bought tract number 38, originally granted to Amable Tardoise, from Vigo for \$400.

The donation tracts, intended primarily for the French, became either directly or through speculation a source of land for American settlers before the sale of government land began. As has been said only seven of the 246 grants to heads of families remained in the hands of Frenchmen in 1806. Only the prairies near the town remained French. Here were the small farms the French had claimed on basis of occupation and improvement. Indeed, until recently, the Cathlinette Prairie south of the town was almost exclusively French. Now these farms are owned by persons of non-French descent.

The land commissioners closed their reports in 1806 with several special cases, the most important of which was the claim of a number of persons to land north of the old Piankashaw village between the Upper Prairie and the Wabash, known as the "Continuation." Since the original titles had been derived from Indian purchases, the governors had not confirmed them and the commissioners hesitated to grant them for the same reason. Also rejected were the various claims to sections of an alleged grant to Francis Bosseron and Ambrose Dagenet by

thirty Dollars a part to be now paid and the remaining part paid on the first of May one thousand seven hundred and ninety seven, or on the sealing and delivery of a deed for the land hereinafter mentioned Hath granted bargained and sold unto the said Abraham Brinker his choice of one of four Lots or tracts of Land each containing four hundred acres and lying within the Donations granted by a resolution of Congress of the third of March one thousand seven hundred and ninety one to the Heads of Families living at Vincennes . . . and the said Brinker is to make his choice of one of the numbers following viz number forty nine, fifty, Seventy one, and Seventy two. In witness whereof the parties hath hereunto interchangeably set their hands and Seals, the twelfth day of March one thousand Seven Hundred and Ninety Six—

"ABRAHAM BRINKER
"F VIGO"

"Witnesses
"R BUNTIN
"JNO. N. SEELY

the Vincennes Court on November 20, 1783, and to other large court grants. In explaining these rejections the commissioners wrote: "Without dwelling on the extraordinary circumstances of the above recited supposed grants, wherein the members of a court of justice have made to each other such unusual donations, and appropriated to themselves such a large and valuable part of the country, the commissioners will observe that the State of Virginia never authorized the courts to grant lands. That after the cession, Congress, taking into consideration the hard case of a number of inhabitants, who, under the impressions that the grants were good, had moved to Vincennes and the Illinois country, benevolently stepped in, by the act of 1791, and directed the Governors of the territory to confirm claims of that description, provided the land claimed had been actually improved and cultivated, not exceeding four hundred acres to any one person. Considering therefore, the present claims as grounded upon a transaction fraudulent *ab initio*, entirely unusual, (the same court never having before granted more than four hundred arpents or three hundred and forty acres, with a claim of actual settlement thereto annexed) and not contemplated by the act of 1791, reject, *in toto*, all the foregoing claims."¹⁶

The decisions of Commissioners Badollet and Ewing in favor of claimants to land were of no force of themselves. Only Congressional legislation could give them final confirmation, and this was done in the act passed March 3, 1807, "An Act confirming claims to land in the district of Vincennes; and for other purposes,"¹⁷ which also confirmed part of the lands in the "Upper Prairie," site of the old Piankashaw village known as the "Continuation," containing 244 acres, to persons claiming parts thereof. It also provided specifically: "That all decisions made by the commissioners appointed for the purpose of examining the claims of person claiming lands in the district of Vincennes, in favor of such claimants, as entered in the transcripts of decisions which have been transmitted by the

¹⁶ A.S.P. *Public Lands*, I, 301.

¹⁷ Carter (ed.), *Territorial Papers*, VII, 433-35; see also U. S. *Statutes at Large*, II, 446-48.

said commissioners, to the secretary of the treasury, according to law, be, and the same are hereby confirmed.

“ . . . the confirmations . . . made . . . by the governors of the North West and Indiana territories . . . and in conformity with the act [of March 3, 1791] . . . are hereby confirmed; . . . *Provided however*, that no other claims shall be confirmed, by virtue of this section, than such as . . . have, by the commissioners aforesaid, been inserted in their reports, transmitted as aforesaid.

“ . . . the several persons . . . to whom or to whose assigns the several tracts of land . . . have been heretofore confirmed, be and they are hereby respectively confirmed in their claims to the respective tracts . . . lying in that tract of land containing two hundred and forty-four acres, which is known by the name of ‘Continuation’¹⁸

“ . . . the several persons whose claims are confirmed by the act, and had not been actually located prior to the establishment of the board of commissioners . . . are hereby authorised to enter their locations with the register of the land office of Vincennes, on any part of the tracts set aside for the purpose, by virtue of the act . . . [of April 21, 1806].¹⁹

“ . . . every person . . . whose claim to a tract of land is confirmed by this act, and who had not previously obtained a patent for the same . . . shall whenever his claim shall have been located and surveyed, be entitled to receive from the register of the land office at Vincennes, a certificate stating, that this claimant is entitled to receive patent for such tract of land by virtue of this act; . . . which certificate shall entitle the party to a patent for the said tract, which shall issue in like manner as is provided by law for the other lands of the United States.”

This act gave final confirmation to the majority of claims and donation grants. Claims settled thereafter were comparatively few in number. It is upon this act and those of August 29, 1788, and March 3, 1791, that title for much of the land in the vicinity of Vincennes still rests. Some persons neglected to

¹⁸ For a map of this area see A.S.P. *Public Lands*, II, 395.

¹⁹ See U. S. *Statutes at Large*, II, 395-96.

have their grants patented in the regular way provided by the 1807 act and some lands are still without a formal legal patent. When these lands are patented today, it is usually because the owner wishes to have absolute title in view of some mineral wealth on his holdings.²⁰

The donation tracts having been confirmed, the next step was to survey them, or rather resurvey them. This work of resurveying the old odd-shaped private claims and of fitting them into regular Congressional surveys fell to deputy surveyors Robert Buntin and Daniel Sullivan. Their surveys were made principally between 1807 and 1810, most of them in 1807, especially the tracts nearer the village. A few were done by Daniel Sullivan alone in 1811.²¹ The resurveyed claims were numbered from 1 on, consecutively in each township. These lands were no longer described as being situated adjoining some neighbor or on some stream, but were accurately surveyed according to township, range, and section. For example: "Re-

²⁰ The following patent to an old donation grant was issued by President Woodrow Wilson, February 10, 1921. It is taken from a copy in the records of the General Land Office, 0 267: "Whereas, There has been deposited in the general Land Office of the United States a certificate of the commissioner Ex-officio Register of the Land Off at Wa. D. C., whereby it appears that the Donation claims of Abraham Kuykendall, in right of Joseph Du Bois, which appears in abstract C, a list of donations made by the Governors of the Territory in Virtue of militia rights, as provided by the Act of March 3, 1791 (1 *Stat.*, 221), entered in the report of the commissioners at Vincennes, November 27, 1806, (Am.S.P., Duff Green Edition, Vol. I, P. 519), was confirmed by the second section of the Act of Congress of March 3, 1807 (2 *Stat.*, 446) and that the said claim had been surveyed and designated as Survey No. 7 in T 1 n of R 11 w of the 2nd Principal Meridian Indiana containing 100 A.

"Now know Ye, That the United States of America in consideration of the premises, Has Given and Granted, and by these presents Does Give and Grant unto the said Abraham Kuykendall or his legal representatives, the land above described; To Have and To Hold the Same, together with all the rights, privileges, immunities, and appurtenances of whatsoever nature thereunto belonging, unto the said Abraham Kuykendall or his legal representatives, and to his and their heirs and assigns forever. . . .

"Feb. 10, 1921 . . ."

²¹ See Plat Book V, Land Office, pp. 155-70, Indiana State Auditor's Office.

surveyed for the heirs of Peter Barkman 340 Acres 28 perches of land situated in T 2 N, R 9 and 10 W Section 1 and 6.”²²

Some years later, when the donation claims had been closed, a map was drawn showing all the grants that had been made. On it the old surveys made by Samuel Baird and resurveyed by government surveyors are called “surveys” and are indicated as “No. 1-,” “No. 2-,” etc., starting in each township. The tracts marked “L No. -” on the map and numbered from 1 to 305 consecutively throughout the whole tract are “locations,” a term which will be explained shortly.

Although the commissioners’ reports in 1806 and the confirmatory act of 1807 initiated all the steps required to provide complete and adequate title to the great majority of donation claims, they did not close Congressional legislation on the matter. An act of April 30, 1810, gave “persons . . . who were minors, or did not reside within the Indiana Territory during the time allowed by law for registering claims . . . until the first day of November next, [to] give notice, in writing, to the register of the land-office . . . of their claims.”²³

The commissioners’ report on these claims was ready by May 27, 1812. Only twenty-eight claims were approved by the commissioners under the act of April 30, 1810,²⁴ and these were confirmed by Congress on February 13, 1813.²⁵ This act brought an end to the confirmations by Congress. Altogether 940 claims had been confirmed under various heads and approximately 180,000 acres of land granted. However, not all the claimants were in possession of their designated tracts of land. There were people who were entitled to land and had it confirmed to them without it having been surveyed, or they had not signified their intention to locate on a definite spot and had not entered their location in the records of the land office.

²² From Record of Field Notes North of the Base Line and West of the Second Principal Meridian, Land Office, Indiana State Auditor’s Office, II, 32.

²³ U. S. *Statutes at Large*, II, 590-91.

²⁴ A.S.P. *Public Lands*, II, 455-63.

²⁵ U. S. *Statutes at Large*, II, 800-1.

Or, too, they may have been squeezed out of their lands by some prior location when the government surveys were made. Because of the irregularity of some of the old surveys and locations, many claims were found to overlap when the resurveys were made, and some persons had to locate elsewhere.

In order that land in the large Vincennes Tract could be offered for sale and at the same time not infringe on the rights of such persons to land in the vicinity of the town, it had become necessary to reserve a portion for these donation claimants until a final settlement could be made. This was done by the act of April 21, 1806, in which the land commissioners at Vincennes and Kaskaskia were empowered "to lay out one or more tracts of land, in their respective districts, for the purpose of locating therein, tracts of land granted by virtue of any legal French or British grants, or of any resolution or act of Congress: *Provided*, that the tracts thus laid out shall be, whenever practicable, adjoining the tracts, which . . . had been laid out for similar purposes by the governors of the Northwest and Indiana territories; and the tracts thus laid out shall not be otherwise disposed of, unless by order of Congress."²⁶

The tract thus set aside became known as the "Vincennes Donation Tract in the States of Indiana and Illinois." Reference to the tract in Indiana as the Vincennes Donation Tract distinguishes it from the large Vincennes Tract in which it was situated. Seventy-six Congressional townships were reserved for persons who still had to locate their donation grants. A check of land sales in Indiana shows that in all the townships from 1 to 5 north in ranges 8, 9, and 10 west, no sale of land was recorded until 1821. By that year the reservation from sale had been removed by law.²⁷ These townships are in the heart of the Vincennes Donation Tract and the majority of

²⁶ U. S. *Statutes at Large*, II, 395.

²⁷ *Post*, p. 482. See Tract Book, Vincennes District, Land Office, Indiana State Auditor's Office, XVII, 46-57, and XIX, 311-25, 361-69. In T 1 N, R 8 W, land was sold prior to 1821, but only part of this township was in the reserve tract. The reservation was removed by the act of March 18, 1818. U. S. *Statutes at Large*, III, 409-10.

donation claims were located in them. Outside the Donation Tract, however, land was sold as early as 1807.²⁸

Also, by the 1806 act "persons entitled to grants by virtue of any former resolution or act of Congress, which . . . [was] not specifically designated in the patents issued by the governors . . . or which . . . [had] not yet been located, . . . [had] a right to locate the same in the tract or tracts . . . to be laid out. . . ."²⁹

The act of March 3, 1807, which confirmed the decisions of the commissioners, allowed persons whose claims were confirmed by the act but had not been located prior to the establishment of the board of commissioners, until July 1, 1808, to make their locations in the reserved tract. The confirmatory act of February 13, 1813, gave persons whose claims were confirmed by that act until October 1, 1813, to locate, and the time was later extended by an act of December 26, 1814, to July 1, 1815. Locations from 1 to 150 were made under the act of March 3, 1807. Eighty-seven more, numbers 151 to 237, were made from July to September, 1813, under the act of February 13, 1813.³⁰

²⁸ See Tract Book, Vincennes District, XIX, 202-18, 257, 263, 311, 369. Compare township 3 north, range 7 west, which was in the Tract, with township 2 north, 7 west, which was not. In the latter township land was being sold between 1807 and 1821, but in the former, none was sold during those years.

²⁹ U. S. *Statutes at Large*, II, 395.

³⁰ A.S.P. *Public Lands*, VII, 709-20, 720-27; U. S. *Statutes at Large*, II, 800, III, 163; *House Executive Documents*, 25 Congress, 2 session, No. 455, pp. 71-106. That these locations were grants or claims to land confirmed by the commissioners in the reports of 1806 which had not been actually surveyed by that time or staked out or located, is evident from comparison of the commissioners' reports with the list of locations as later laid out. For example, in the report of November 27, 1806, the claim of Charles Bonneau, Sr., to 50 acres is confirmed to Henry Pea as present claimant and the land was marked "not surveyed." A.S.P. *Public Lands*, I, 560. Correspondingly, location No. 25 was of 50 acres granted to Henry Pea in the right of Charles Bonneau, Sr. *Ibid.*, VII, 710. The following explanation of locations to be made appear in the introduction to the report of November 27, 1806: "As to the claims designated . . . as unsurveyed, some are specific, and a description of the spot granted is annexed to each of them; the others which are without a specification of place, remain yet to be located, and have obtained here the denomination of floating-rights." *Ibid.*, I, 558. In the commissioners' list of lands confirmed by the governors in virtue of French, British, or court grants as given in their reports of 1806, there were a number

As mentioned above there were some persons who had located their claims but were forced to move when a prior claim was found to rest on that particular piece of land or were squeezed out when the government surveys were made to correct the old private surveys. An act of April 16, 1816, "for the relief of certain claimants to land in the district of Vincennes," was apparently intended to benefit this class of people.³¹ It stated that persons whose claims were confirmed by the confirmatory acts of March 3, 1807, and February 13, 1813, "which having been located cannot be surveyed agreeably to law, or which having been located have, in the opinion of the register of the land office . . . been removed by the surveys of prior locations, from the spot intended to be occupied, are hereby authorized to enter their locations with the register of the land office at Vincennes, on any part of the tract set aside for that purpose. . . ." Since the records in the American State Papers give only 237 locations under the two acts mentioned, it may be assumed that the remainder of the locations from 237 to 305 were made under the act of April 16, 1816. These 305 "locations" were numbered consecutively from 1 to 305 on the "Map of Vincennes Donation Tract in the States of Indiana and Illinois" and were indicated by "L No.—" followed by the proper number.

By 1818 thirty years had elapsed since the matter of the Vincennes land claims were taken up for consideration. During that time approximately 180,000 acres of land had been given away by the United States. This total includes 116,000 acres of land granted to 290 heads of families whose claims to 400 acres of land had been approved by the governors and commissioners, as well as almost 60,000 acres that had been of claims not surveyed and without their location given. *Ibid.*, I, 559-67.

For example, the following notation is attached to Location No. 97, which was near the Upper Prairie, by surveyor Robert Buntin. "Began to resurvey 136.10 acres of land in the right of Francois Racine. . . . There was not quantity to satisfy the whole as it will appear there is only 101.10 acres in this resurvey." The remainder apparently had to be taken elsewhere. Record of Field Notes North of the Base Line and West of the Second Principal Meridian, II, 122.

³¹ U. S. *Statutes at Large*, III, 285.

granted by some commandant, by the court, or by some act of Congress, approved by the governors or commissioners, and confirmed by Congress.³²

By 1818 it was clear which lands in the "Vincennes Donation Tract" reserved in 1806 were occupied by donation claimants and which were free of title and could be sold. An act of March, 1818, gave one last chance to locate donation claims, then ordered the remainder of the tract to be surveyed and sold. It read in part as follows: "That every person, or their legal representatives, whose claims were confirmed by any of the several acts for confirming claims to land in the district of Vincennes and which claims have not been located, shall be authorized to enter their locations with the register of the land office at Vincennes, on any part of the tract set aside for that purpose . . . and shall be entitled to receive certificates and patents in the same manner as provided by former laws respecting locations in the same tract: *Provided*, That the locations . . . shall be made before the first day of September next; and after the said locations shall have been made and the surveys thereon completed, the surveyor general shall cause the residue of the said tract to be surveyed, conforming as far as practicable, to the plan for surveying the other public lands. . . .

" . . . And be it further enacted, That such part of the tract . . . as shall not have been located under confirmed claims, shall be offered for sale at Vincennes."³³

By 1821, almost a century after the French had established their post at Vincennes, locations of all the Vincennes donation claims had been made. In the first place as early as 1807, when Congressional confirmation was given to the reports of the land commissioners, it was evident that the French inhabitants for whom the donations were originally intended and to whom they were first confirmed, no longer owned the 400-acre donation

³² In the report of November 27, 1806, grants totaling 49,524.93 acres had been approved by the governors, and 7,963 by the commissioners, exclusive of 400-acre donation tracts. These were confirmed by Congress by act of March 3, 1807. In 1813 Congress confirmed additional grants containing 1,300 acres reported by the commissioners plus twenty-five 400-acre donations for heads of families.

³³ U. S. *Statutes at Large*, III, 409.

tracts granted to them. Those tracts, or the promise of them, had been sold by the French claimant to Americans at very small figures. The French settlers, suffering from the American conquest, though they derived some immediate advantage from the sale of their donation tracts, did not realize the benefit anticipated for them from the Congressional action. The French did not adapt to agricultural economy and were passed by. Control of the town and the general neighborhood, economically, politically, and socially, passed from their hands into the control of the rapidly increasing American population.

A study of the donation lands also brings out the fact that many Americans had arrived at Vincennes before the natural expansion of the frontier had reached the Wabash River. Following Clark's victory Americans began to settle at Vincennes. Generous land grants by the Vincennes Court doubtless stimulated the movement of settlers to the community. The reports of Territorial Secretary Sargent show that many American pioneers had received court grants and made attempts to cultivate them. The willingness of the French to sell the lands finally confirmed to them by Congress prompted further immigration to the district.

Probably the most indelible mark the donation land left upon Vincennes and Knox County is to be found in the surveys of Knox and adjoining counties and in its legal and local terminology. Gone is the Upper Prairie, now a part of the town of Vincennes, gone also the Lower Prairie and Vincennes Commons where once cattle grazed and where now are situated the homes of American citizens of Vincennes. Remnants, however, of these old French landmarks may still be seen by looking at even the latest county maps or by reading the legal descriptions of land in county books. For example, land in what was formerly the tract for donations to heads of families, is not designated on the records as being in one of the sections of a certain township, as the other lands of the county or state are defined. The description of lands in the old donation tract runs in terms of a certain section of one of the 246 400-acre donations. Similarly the Commons has been divided and sold. No trace of it is left except on maps. The lots in that

part of the town where the Commons once was, are designated as "Commons Lot, No. —." Lots in the old French section of town are described likewise and numbered as "Old Town Lot No. 1" etc., all testimonials of the transitory period during which the old French post became an American town.

APPENDIX

Abstract of Donation Rights in Francis Vigo Including the Numbers, Original Assignors' Names, Quantities, Dates, Before Whom and When Acknowledged¹

No.	Assignors' Names	Quantity	Date	Before Whom Acknowledged	Date of Acknowledgment
149	Veuve (widow) Louis Denoyon	400	Aug. 16, 1790	Ant. Gamelin	Aug. 6, 1790
8	Veuve Amable Pierre Dumais	400	July 2, 1792	Pierre Gamelin	July 2, 1792
56	Louis Roufiange dit La Violette	400	May 5, 1791	Pierre Gamelin	May 5, 1791
146	Veuve F. Bazinet	400	April 15, 1792	"	April 15, 1792
145	Veuve F. Peltier	400	May 9, 1792	"	May 9, 1792
142	Charles Delisle	400	May 5, 1792	"	May 5, 1792
137	J. Bte. Harpin	400	April 18, 1791	"	April 18, 1791
136	Alexandre Valle	400	Aug. 15, 1791	"	Aug. 15, 1791
133	Jacque Denis	400	May 10, 1792	"	May 10, 1792
132	Vital Boucher	400	Dec. 20, 1791	"	Dec. 20, 1791
128	Charles Guille	400	May 5, 1792	"	May 5, 1792
126	Antn. Danis	400	April 22, 1791	"	April 22, 1791
123	Pierre Gilbert	400	Aug. 24, 1791	"	Aug. 24, 1791
140	Veuve Guillaume Dapron	400	May 7, 1792	"	May 7, 1792
24	J. Bte. Lagarde	400	July 17, 1788	"	May 5, 1792
11	J. Bte. DuChaine	400	April 15, 1791	"	April 15, 1791
19	J. Bte. Delorietz	400	April 26, 1791	"	April 26, 1791
18	Jos. Mallet	400	May 5, 1792	"	May 5, 1792
21	Louis Coder	400	April 19, 1791	"	April 19, 1791
13	Etienne Jacque	400	April 15, 1791	"	April 15, 1791

¹ From original document in the Vigo Papers, Harrison House, Vincennes.

APPENDIX—(Continued)

No.	Assignors' Names	Quantity	Date	Before Whom Acknowledged	Date of Acknowledgment
26	Francois St. Marie	400	July 2, 1792	"	July 2, 1792
25	Louis Revalet	400	May 7, 1792	"	May 7, 1792
30	Charles Lacost dit Languedoc	400	April 22, 1791	Pierre Gamelin	April 22, 1791
49	Jean Charpentier	400	April 25, 1791	"	April 25, 1791
131	Amable Garguipie	400	May 10, 1792	"	May 10, 1792
94	Veuve Philipe Legras	400	May 4, 1792	"	May 4, 1792
154	Jos. Chartier	400	May 9, 1792	"	May 9, 1792
158	Jos. Levron dit Metaye	400	May 7, 1792	"	May 8, 1792
122	Francois Trudelle	400	May 8, 1792	"	May 8, 1792
134	Louis Metaye	400	May 2, 1791	"	May 2, 1791
121	Michel Joseph	400	Aug. 7, 1790	Antn. Gamelin	Aug. 7, 1790
152	Charles Bergand	400	Feb. 16, 1788	"	July 24, 1788
96	Jos. Chabotte	400	May 7, 1792	Pierre Gamelin	May 7, 1792
113	Jos. Lognon	400	May 9, 1792	"	May 9, 1792
111	Pierre Perette	400	April 19, 1791	"	April 19, 1791
110	Veuve Pre. Gremard	400	April 25, 1791	"	April 25, 1791
109	J. Bte. Dubois	400	July 29, 1791	"	July 29, 1791
107	Pre. Degneaux	400	April 15, 1791	"	April 15, 1791
108	Veuve L. Boye	400	April 21, 1791	"	April 21, 1791
103	Antn. Catis	400	April 15, 1791	"	April 15, 1791
102	Antn. Bordeleaux	400	April 22, 1791	"	April 22, 1791
106	Nicoles Chapare	400	Aug. 7, 1790	Antn.	Aug. 7, 1790
6	Francois Loignon	400	May 5, 1792	Pierre	May 5, 1792
160	Veuve Moses Henry	400	Nov. 2, 1791	James Johnston	Nov. 2, 1791

APPENDIX—(Continued)

No.	Assignors' Names	Quantity	Date	Before Whom Acknowledged	Date of Acknowledgment
139	J. Bte. Vaudry, Pere.	400	Dec. 2, 1790	"	Dec. 2, 1790
46	J. Bte. Vaudry, fils	400	Dec. 2, 1790	"	Dec. 2, 1790
15	Louis Edeline	400	Aug. 22, 1791	Pierre Gamelin	Aug. 22, 1791
77	Amable Perron	400	July 2, 1792	"	July 2, 1792
143	Veuve Philibert dit Orlean	400	Aug. 7, 1790	Antr. Gamelin	Aug. 7, 1790
54	Jos. Dube	400	Oct. 13, 1788	Witnessed but not acknowledged:	
2	Louis Lamare	400	March 10, 1788	J. Bte. Bino, Biequet	
23	J. Bte. Miette (Mallet?)	400	Aug. 6, 1788	Hugh Howard,	
92	Pierre Ranger	400	Feb. 16, 1788	J. Bte. Laffont Beiquet	
101	Veuve N. Cardinal	400	Aug. 4, 1791	Antr. Gamelin	July 24, 1788
99	Jacque La Trinouille	400	April 15, 1791	Louis Edeline	Aug. 4, 1791
100	Jos. Ducharme	400	Aug. 20, 1790	Pierre Gamelin	April 15, 1791
98	Antr. Gamelin	400	Aug. 7, 1790	Antr. Gamelin	Aug. 20, 1790
93	Pierre LeFairres	400	April 23, 1791	Paul Gamelin	Aug. 7, 1790
88	Jos. Hamelin	400	April 22, 1791	Pierre Gamelin	April 23, 1791
90	Francois Turpin	400	May 5, 1792	"	April 22, 1791
81	Antr. Marie	400	April 20, 1791	"	May 5, 1792
73	Louis Boye Fils.	400	May 7, 1792	"	April 20, 1791
71	Jos. Reau.	400	April 29, 1791	"	May 7, 1792
68	Veuve Antr. LeFevre	400	Dec. 1, 1790	"	April 29, 1791
67	Pre. Cartier	400	Jan. 12, 1792	Antr.	Dec. 1, 1790
64	Amable Delisle	400	April 21, 1791	Pierre	Jan. 12, 1792
59	Francois Compagnot	400	Aug. 7, 1790	"	April 21, 1791
				Antr.	Aug. 7, 1790

APPENDIX—(Continued)

No.	Assignors' Names	Quantity	Date	Before Whom Acknowledged	Date of Acknowledgment
58	Jacque Chalbaux	400	April 23, 1791	Pierre	April 23, 1791
55	Nicolas Bayarjon	400	April 19, 1791	Pierre	April 19, 1791
53	Francois Mallet	400	April 22, 1791	"	April 22, 1791
50	Francois Minis	400	April 17, 1791	"	April 17, 1791
45	Antn. Vaudry	400	April 18, 1791	"	April 18, 1791
43	J. Bte. Moyx	400	May 5, 1792	"	May 5, 1792
42	Veuve Pre. Coder	400	April 21, 1791	Pierre Gamelin	April 21, 1791
39	J. Bte. Toutgas	400	May 22, 1792	"	May 22, 1792
33	J. Bte. Joyalle dit Lafrenier	400	April 19, 1791	"	April 19, 1791
28	Jos. Andre	400	April 22, 1791	"	April 22, 1791
31	Louis Deloriez	400	May 8, 1792	Pierre Gamelin	May 8, 1792
119	Ambroise Dumais	400	May 15, 1791	"	July 2, 1792
74	Pierre Querez	400	Aug. 15, 1790	Antn.	Aug. 15, 1790
83	Francois Brouillet	400	Aug. 7, 1790	"	Aug. 7, 1790
76	Rene Langlois	400	Aug. 5, 1790	Pierre	Aug. 5, 1790
80	Francois Lacoste dit Langudoc	400	Aug. 5, 1790	Antn.	Aug. 5, 1790
89	Charles Beauneaux	400	Aug. 7, 1790	"	Aug. 7, 1790
70	Veuve J. Bte. Etienne LaFonaine	400	Aug. 16, 1790	"	Aug. 16, 1790
78	Rene [Francois?] Coder	400	May 26, 1791	"	Feb. 1, 1793
129	Jos. St. Marie	400	May 26, 1791	"	Feb. 1, 1793
72	Etienne St. Marie	400	May 26, 1791	"	Feb. 1, 1793

VINCENNES DONATION LANDS

No.	Assignors' Names	Quantity	Date	Before Whom Acknowledged	Date of Ac- knowledgegment
				Witnessed but not acknowledged:	
104	Louis Leme	400	Oct. 17, 1788	J. Darguilleur, Beiquet	
95	Francois Roufiange	400	Oct. 17, 1788		
12	J. Bte. Maryin dit Lionois	400	Oct. 13, 1788	Beiquet, Pierre Dumais	
34	Louis Bargerion	400	Oct. 11, 1788	Beiquet, Pierre Menard,	
63	Jos. Perrodot	400	Feb. 28, 1791	J. Bte. Bino	
85	F. Derousse	400	March 26, 1788	Hugh Howard, Beiquet	
127	J. Bte. Chartier	400	March 1, 1788	Beiquet, Hugh Howard	
159	Jos. Sabolle	400	Nov. 8, 1788		
147	Antn. Mallet	400	Oct. 17, 1788	Beiquet, J. B. Bino	
36	Francois VaChette dit St. Antonie	400	Aug. 10, 1789	P. Hubert	
97	Chas. Guilbeaux	400	March 17, 1788	Beiquet, J. Bte. Bino	
112	Frances Vigo				
44	Veuve Pier Perron	400	July 2, 1791	Pierre Gamelin	July 2, 1792

INDEX

INDEX

- Abbott, Edward, 435.
 Agriculture, 430-31, 432, 440, 459.
 Americans at Vincennes, influx of, 438-39; receive land grants from Court of Vincennes, 440; types of farms, 440; introduce new economy into Vincennes, 441; petition for land grant, 444; confirmation of militia grants and court grants to, 452-53, 455-56, 459, 470; buy up French land claims, 459, 464-65, 470-74, 482-83.
 Arturgus, Mainard, 460.
 Badollet, John, register of Vincennes Land office, 468. *See also* Land commissioners.
 Baird, Samuel, surveyor, 448, 450, 457.
 Baldwin, Abraham, of Georgia, 445.
 Barkman (Barrachman), Abraham, 439.
 Barkman (Barrachman), Christian, 439.
 Base Line, 466.
 Bergaud, Charles, 450.
 Berger, Frederick, 450.
 Bonneau, Charles, 480n.
 Bonneau (Boneau), Josette, 472.
 Bosseron, Francis, 474.
 Bosseron, Jean Baptiste, 471.
 Bradford, William, attorney general, 457.
 Brinker, Abraham, 473-74n.
 Brouillet (or Brouillette), Francis, 472.
 Buffalo Trace, 427.
 Buntin, Robert, surveyor, 451, 458, 461n, 477, 481n.
 Carroll, Bishop John, 433.
 Cathlinette Prairie, 432, 474.
 Catt (Chat), Philip, 439, 450.
 Caty, Antony, 450, 451.
 Charpentier, Jean, 473.
 Chartier, John Baptiste, 444n.
 Chasseau, Nicholas, 450.
 Chat, Philip, *see* Philip Catt.
 Chillicothe Land Office, 464.
 Cincinnati Land Office, 464.
 Clark, Abraham, of New Jersey, 445.
 Clark, George Rogers, 436-37, 438, 439, 443, 483.
 Claypool, Jeremiah, 474.
 Codere, Pierre, receives land grant, 434-35.
 Connoyer (Cournoyer), Peter, 449.
 Continental Congress, receives petition for donation lands, 427, 441-42, 443, 444-45; committee on donations, 445; grants donation lands, 444-45; slowness in extending government to northwestern territory, 437. *See also* Land ordinances, U. S. Congress.
 Court grants, *see* Vincennes Court.
 Croghan, George, 433, 435.
 Dagenet, Ambrose, 474.
 Dalton, Thomas, 444n.
 Dane, Nathan, of Massachusetts, 445.
 Danis (Dayneaux), Honore, 450, 451.
 Day, Robert, 439.
 Decker, Abraham, 439, 460.
 Decker, Isaac, 439, 460.
 Decker, John, 439.
 Decker, Joseph, 439, 460.
 Decker, Luke, 439.
 Decker, Moses, 439.
 Decker, Tobias, 439.
 Detroit, 428.
 Donation lands, requests for, 427, 432-33, 441-42, 443, 444; resolution

- and acts allowing, 445-46, 454-56, 467, 478, 482; Sargent ordered to settle claims for, at Vincennes, 447; confirmed by Sargent, 448, 452; patents for, 456-58, 465, 476-77; commissioners' reports on, 469-71, 474-75, 478, 480; claims to, sold by French to speculators, 459, 464-65, 470-74, 482-83; amount sold for, 472-73; acts confirming, 475-76, 478, 480, 481, 482; creation of Vincennes Donation Tract, 479-80; final location of, 479-80; acreage of, 481-82; hasten American immigration to Vincennes neighborhood, 483; effect on government surveys, 483-84; bought by Vigo, list of, 485-89.
- Dovrith, John, 450.
- Drouet, Antoine (Richardville), 471.
- Dubé, Joseph, 444.
- Dubois, Joseph, 477n.
- Edeline, Louis, 450.
- Ewing, Nathaniel, receiver of, Vincennes Land Office, 468. *See also* Land commissioners.
- Farms, French and American methods of laying out, 430-31, 432, 440, 459.
- Fort Miami, 427.
- Fort Ouiatenon, 427.
- Fort Pitt, 428.
- Fort Wayne, 427.
- France, founds fur-trading posts in Indiana, 427.
- Frederick, Bastion, 439.
- Frederick, Lewis, 439.
- Freeman, Thomas, 466.
- French at Vincennes, economy of, 428, 430-31, 432-33; Piankashaw grant to, 428-30, 441, 446, 465; receive land grants from commandants, 430, 434-35; method of laying out farms, 430-32, 440, 459; address to General Gage, 428; under British regime, 435-36; effect of Clark's conquest on, 436-39, 441-42; take oath to Commonwealth of Virginia, 439; aid to Clark and loyalty of, 443; migrate to Spanish territory, 443-44; request for donation of land, 427, 432-33, 440-41, 443, 444; request granted, 445-46, 454-55; claims confirmed, 445, 448-51, 458, 459, 469-70, 475-76, 480; difficulties encountered in settling land claims, 448-49, 451, 458-62; sell claims to Americans, 459, 464-65, 470-74, 482-83; reasons for disposing of land to speculators, 471.
- French on the Mississippi, request donation of land, 444.
- Fur trade, 426, 427, 432; estimate value at Vincennes, 433; decline of, 442.
- Gage, Gen. Thomas, 428, 435, 436.
- Gallatin, Albert, 468.
- Gamelin, Pierre, petition to President, 429.
- Great Britain, regime at Vincennes, 427, 428, 435-36.
- Greenville, Treaty of, 430, 446-47, 465, 466.
- Guilbaut, Charles, 444n.
- Hamilton, Henry, 435.
- Hamtramck, Col. John Francis, 441, 448.
- Harbin, John, 439.
- Harmar, Gen. Josiah, 438, 440, 441, 442, 464.
- Harrison, William Henry, governor of Indiana Territory, 429n, 462, 465, 469; clears title to Vincennes Tract, 465-66; buys French land claims, 470.
- Harrison Land Act, 464.
- Holliday, Hezekiah, 439.
- Hutchins, Thomas, 433, 435.
- Illinois, County of, 439.

- Illinois country, settlement of land claims, 447, 449n, 454.
- Illinois Land Company, 429n.
- Improved lands, confirmed to claimants, 455, 459-62.
- Indiana Territory, created, 462, 465.
- Indians, council with, 465, 466; title to land extinguished before survey and public sale made, 446, 464, 465. *See also* Piankashaw.
- Irvine, William, of Pennsylvania, 445.
- Jefferson, Thomas, 454.
- Johnson, James (1), 439, 460.
- Johnson, James (2), 439.
- Jones, John Rice, 439.
- Jordan, Thomas, 439.
- Kaskaskia, 437n, 447, 453.
- Kuykendall, Abraham, 477n.
- Lafayette, 427.
- La Fleur, Joseph, 472.
- Land claims, settlement and confirmation of, 444-45, 448-51, 452-53, 454-55, 458, 459, 467, 468-69, 469-70, 475-76, 480; surveys of, 449-52n, 461, 477-78; sold by French to speculators, 459, 464-65, 470-74, 482-83; final locations made, 481; acreage of confirmed claims, 481-82.
- Land commissioners, establishment of board of, to hear land claims, 468-69; on confirming improved land, 461; outline principles for settling claims, 468, 469; send report on claims to Congress, 469-71, 478, 480; confirmation of decisions, 475-76, 478, 480, 481, 482.
- Land grants, made by French commandants, 430, 434-35; made by Vincennes Court, 440, 464, 483; made by Indians to French at Vincennes, 428-30, 441, 446, 465. *See also* Donation lands, Land claims.
- Land offices, 464. *See also* Vincennes Land Office.
- Land ordinances, 446n, 457-58, 464.
- Land surveys, *see* Surveys.
- Langlois, Rene, 450.
- Languedoc, Charles, 450.
- Le Gras, Col. J. M. P., 439, 440.
- Leveron, Joseph, 450.
- Linden, Frederick, 439.
- Lowe, John, 439.
- Lower Prairie, 432.
- Lunsford, Antoine, 471.
- McIntosh, William, 470.
- Mallet, Francis, 450.
- Marietta, 464.
- Martin, John, 439.
- Mathler, Frederick, 439.
- Matson, Ralph, 439.
- Mayes, Jeremiah, 439.
- Mayes (Mays), Robert, 460.
- Mayes, William, 439.
- Mehl, Frederick, 471.
- Meredeth, Daniel, 439.
- Militia, Vincennes, American members of (1790), 438-39; land grants for, 453, 454, 455-56, 459; commissioners' report on, 470; French sell to speculators, 471.
- Miro, Estevan, 443.
- Montplesir, Andrez, 450.
- Murphy, John, 439.
- Ordinance of 1787, pp. 427, 441-42.
- Orleans, 466.
- Otis, Samuel, 459.
- Ouilette, Alexis, 450.
- Patents, for donation lands, 456-58, 465, 476-77; on land sold by Federal government, how issued, 457-58; one issued by President Wilson, cited, 477n.
- Pea, Daniel, 439.
- Pea, Henry, 439, 480n.
- Pea, Jacob, 439.
- Pea, John, 439.

- Peron, Pier, 444n.
 Perrot, Nicholas, 471.
 Petters, Godfrey, 439.
 Piankashaw, land grant to French, 428-30, 465; surrendered to United States, 441, 446.
 Piankashaw Village, site of, at Vincennes, 427; land claims in, 453, 454, 455, 475, 476.
 Pickering, Timothy, 443.
 Pittsburgh, land office at, 464.
 Prairies around Vincennes, 431-32, 451.
 Public lands, *see* Land ordinances, Surveys.
 Purcell, John, 474.
 Quebec Act, 436.
 Racine, Francois, 481n.
 Racine, Jean Baptiste (Ste Marie), commandant at Vincennes, 436.
 Racine, Pierre (St. Marie), 471.
 Ramsey, Allen, 439.
 Resolution of 1783, pp. 445-46.
 Richardville, 471.
 Rivet, Father Jean Francois, on Piankashaw land grant, 429-30; describes Vincennes, 433, 437.
 Robins, John, 439.
 St. Ange de Bellerive, Louis, commandant at Vincennes, 430, 434-35.
 St. Aubin, John, 450.
 St. Clair, Arthur, governor of Northwest Territory, 468n; on distress of inhabitants at Vincennes, 438n; ordered to settle land claims, 447; describes difficulties encountered, 449n; settles Illinois claims, 454; on confirming improved lands, 461-62.
 St. Meinrad, 466.
 Ste. Marie (St. Marie), *see* Racine.
 Sanschagrin, *see* Caty, Antony.
 Sargent, Winthrop, secretary of Northwest Territory, 440, 443, 468n; sketch of, 447n-48n; on sufferings of French at Vincennes following Clark's conquest, 437-38; ordered to settle land claims at Vincennes, 447; confirms donation lands to heads of families, 448; confirms old French land claims, 448-51; defines principles used in confirming land claims, 448-49; hesitates to confirm "court grants," 452-53, 454; ordered to leave Vincennes, 456; resumes settlement of Vincennes land claims, 458-62; outlines principles on confirming improved lands, 460-61; strictness criticized, 461-62; becomes governor of Mississippi Territory, 458, 462.
 Shoebrook, Edw. 439.
 Simpson, Patrick, 439.
 Small, John, 460.
 Smith, Daniel, 439.
 Smith, William, 439.
 Snapp, Abraham, 439.
 Spain, encourages immigration into Louisiana and West Florida, 443-44.
 Steubenville, 464.
 Sullivan, Daniel, surveyor, 477.
 Surveys, of donation tracts ordered, 448; of old French land claims ordered, 449-52n, 461; of donation land, payment for, 444, 446; congressional, ordered in Ohio country, 464; of Vincennes Tract, 466-67; resurveys of old French claims, 477-78; of final land claims, 481; effect of donation lands and land claims on, 483-84.
 Tardoise, Amable, 474.
 Taxation, petition that French grants be exempt from, 445.
 Thorn, Charles, 439.
 Thorn, Daniel, 439.
 Thorn, Jacob, 439.
 Thorn, Michael, 439.
 Thorn, Peter, 439.

- Thorn, Solomon, 439.
- Todd, John, lieutenant of County of Illinois, 440, 453n.
- Tucker, Thomas T., of South Carolina, 445.
- United States Congress, donation acts, 454-56, 467, 478, 482; acts for confirmation of land grants, 475-76, 478, 480, 481-82. *See also* Continental Congress.
- United States land policy, *see* Land ordinances.
- Upper Prairie, 431-32.
- Valiquette, Francis, 471.
- Vallez, Alexander, 460.
- Van der Burgh, Henry, 439, 451, 470.
- Vigo, Francis, 448; land claims confirmed, 449; buys up French land claims, 470, 472-74; prices paid and received for land, 472-73; list of donation lands bought by, 485-89.
- Villray, Jean Baptiste, 460.
- Vincennes, Sieur de, 429n, 430, 434, 440.
- Vincennes, location and founding, 427-28; flourishes during French period, 433; value of fur trade, 433; population, 435, 438; decline of during British regime, 435-36; effect of Clark's conquest and arrival of American settlers on, 436-39, 441; Indian councils at, 465, 466. *See also* French at Vincennes, Donation lands, Land claims, Militia.
- Vincennes Common, 432, 441, 446, 453, 454, 455.
- Vincennes Court, established, 439; makes land grants, 440-41, 464, 483; justifies procedure, 440-41; abolished, 441; confirmation of grants sought, 445, 452-53; confirmations made, 455, 459, 470; certain grants by, denied, 474-75.
- Vincennes Donation Tract, 479-80, 482.
- Vincennes *Indiana Gazette*, 468.
- Vincennes Land Office, established, 467, 468. *See also* Land commissioners.
- Vincennes Tract, boundaries defined, 465-66; survey of, 466-67; sale of unclaimed lands, 479-80. *See also* Piankashaw, land grant.
- Virginia, cedes claims to Northwest to General Government, 437; administration of Illinois country, 439-40, 442.
- Viviat, Louis, 429.
- Volney, Constantin F., on Vincennes during French period, 433.
- Wabash Land Company, 429.
- Wadsworth, James, of Connecticut, 445.
- Washington, George, 429, 437.
- Westfall, Abraham, 439.
- White, James, of North Carolina, 445.
- Williamson, Hugh, of North Carolina, 445.
- Wilson, Woodrow, 477n.
- Wyant, Christopher, 439.

IX

X

X

The Sections colored Blue denote those selected in lieu of Section number sixteen for the use of Schools, see Register's letter 16th June 1821.

Note:
The lots within the Square on this Map, and those contiguous thereto which are numbered from 161 to 246—comprise the Donations to Heads of Families—in the Vincennes District under Acts of 29th of Aug 1788 and 3rd of March 1791.

L. D. B.

VIII

XII

XI

VII



VINCENNES DONATION TRACT,
in the States of **INDIANA and ILLINOIS.**

UNIVERSITY OF ILLINOIS-URBANA



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